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ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Sheila Chung, Vice President
Gerard Gleason
Jennifer Meek
Michael Mendelson
Eric Saffire
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

= Agenda
Elections Commission Meeting
Wednesday, January 18, 2006 at 7:00 pm
City Hall Room 408

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ORDER OF BUSINESS

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction. The Commission will hear specific public comment on each agenda item before consideration of that item.
5. **Director's Report**
 - Preview of Supplemental Budget Request
 - Preview of Budget for Fiscal Year 2006-2007
 - Update on the Independent Testing Authority's certification process
 - Update of the voting equipment contract
6. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
7. **Demonstration by Sequoia Voting Systems of equipment to be used in the June 6, 2006 Primary Election.**

8. **Discussion and Possible Action to assign oversight roles to Elections Commissioners for the June 6, 2006 Primary Election.**
9. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.**
10. **Unfinished Business**
Commissioners' Reports of their observations and activities on Election Day. Presentation of remaining reports of Commissioners on their Election Day activities for the November 15, 2005 Election.
11. **New Business**
Discussion and possible action to approve the minutes for the Commission meeting of December 21, 2005.
12. **Discussion regarding items for future agendas**
13. **Public comment** on any issue within the Elections Commission's general jurisdiction.
14. **Announcements**

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

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Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

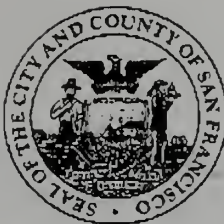
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ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Sheila Chung, Vice President
Gerard Gleason
Jennifer Meek
Michael Mendelson
Eric Safire
Arnold Townsend

John Armtz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, February 15, 2006 at 7:00 pm
City Hall Room 408

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 - Budget for Fiscal Year 2006-2007
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7. **Discussion and Possible Action to assign oversight roles to Elections Commissioners for the June 6, 2006 Primary Election.**

8. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.**
9. **New Business**
 - (a) **Discussion and possible action to approve the minutes for the Commission meeting of January 18, 2006.**
 - (b) *The Commission will hear from the Budget and Policy Committee regarding its unanimous recommendation to approve the Supplemental Budget request for Fiscal Year 2005-2006.*
Discussion and possible action to accept the Budget and Policy Committee recommendation regarding approval of the Department of Elections' Supplemental Budget Request for Fiscal Year 2005-2006.
(Commissioner Gleason)
 - (c) *The Commission will hear from the Budget and Policy Committee regarding its unanimous recommendation to approve the Proposed Budget for Fiscal Year 2006-2007.* **Discussion and possible action to accept the Budget and Policy Committee recommendation regarding approval of the Department of Elections' Proposed Budget for Fiscal Year 2006-2007.**
(Commissioner Gleason)
 - (d) **Discussion and possible action to make a presentation to the Mayor's Office and the Board of Supervisors to explain what happens in the Department and how voters are affected/inconvenienced by budget cutbacks.**
10. **Old Business**
 - **Update and possible action on the proposed Voting Systems Forum for March 29, 2006. (Commissioner Gleason)**
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City and County of San Francisco
Elections Commission
Approved: March 15, 2006
Minutes of the Meeting at City Hall Room 408
February 15, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:01 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Sheila Chung (arrived at 7:09 pm), Eric Safire, Jennifer Meek and Michael Mendelson. EXCUSED: Arnold Townsend.
3. **Public Comment – Keith McGinnis**, State of California Sales Manager for Elections Systems Software (ES&S), said that two of the four members of the selection panel (who were from IT departments) that eventually chose Sequoia over ES&S in the bidding process for the contract evaluated the technical portion of their proposal more highly than Sequoia, and the other members of the panel, (who worked in clerical and administrative positions) scored Sequoia more highly. He told the Commission that ES&S is the only California vendor that is 100% certified for Ranked Choice Voting (RCV). *Chris Jerdonek*, of Fair Vote, handed out the results of a study he conducted. He said that the turnout of voters in the November 2005 Election was nearly triple the numbers of past elections, and his study concluded that the reason was RCV. *Steven Hill* spoke regarding his concerns about completing certification of the new voting system and the possibility of using the ES&S system combined with Automark, if necessary.
4. **DIRECTOR'S REPORT.**
 - ***Budget for Fiscal Year 2006-2007.*** Director Arntz reported that budget updates had been forwarded to the Commission. The Director produced a safety cone topped with a polling site sign and explained its use. At the previous Commission meeting, this item's cost and use had been questioned. Director Arntz thanked David Pilpel for his valuable feedback in helping to make the budget more understandable for the public.
 - ***Update on the Independent Testing Authority's (ITA) certification process.*** ITA testing was completed on January 30, 2006. ITA issued a letter to the Secretary of State's Office (SoS) recommending that the Sequoia System be certified for use in California. This completes the ITA process.
 - ***Update on Secretary of State testing of Sequoia's Voting System for certification.*** Functional testing, also known as stress testing, was completed today. The Director said he was not made aware of any issues that may have been discovered during the testing. The next step is for SoS staff to make a written report of the testing. On March 1, 2006, there will be a public hearing on the Sequoia system. Seven days after the hearing, the SoS can choose to certify its use in California. In Sacramento, on Friday, February 17, 2006, the SoS is providing a demonstration of all the systems being tested. Elections officials are invited. The Director advised that he could invite two Commissioners to join him and asked those interested in doing so to let him know.

• **Update on voting equipment contract.** The Director reported that the contract has been negotiated and currently the language is being finalized.

Commissioner Gleason asked the Director whether the Department expects to sign a contract before the RCV certification is completed. Director Arntz said that the contract will be signed before the RCV certification is completed. He said that within two weeks of the execution of the contract, he will meet with Sequoia representatives to finalize any RCV elements that were not completed for the pilot program. The system will then go for ITA testing and the expectation is that this will happen before the June Primary. Director Arntz advised the Commission that payment to the vendor will not be made until certification is completed. Commissioner Gleason asked if the SoS is aware of this situation and the Director answered affirmatively.

Commissioner Chung asked when the certification of the RCV portion of the contract would occur. Director Arntz replied that it would be in May and that this would provide the SoS with sufficient time to review the RCV system; Sequoia has a platform built for RCV and he has no concerns regarding it being ready for the November Election

Commissioner Gleason asked about the memorandum the Director sent to Supervisor Mirkarimi dated February 10, 2005, and if the vote-by-mail option as an alternate plan had been presented to the Commission before. The Director explained that the all-mail-ballot idea had been discussed in the past, however, before it can be used, there would need to be a 2/3 majority of the legislature to pass this bill. Such a plan is unlikely to be approved in time for the June Primary. Commissioner Gleason asked about ES&S's Automark system and whether ES&S has submitted an application for certification of its use with the Eagle system. Director Arntz said that he met with ES&S last Friday and was told that ES&S has a letter from ITA on file with the SoS that apparently supports the idea that Automark can be certified with the current system, but that it was his understanding that no process has been initiated nor has an actual application for certification not submitted to the SoS.

President Matthews asked Director Arntz if there was an update on the Controller's Report. The Director said that it is expected to be completed by the end of February.

6. **Commissioner Reports.** President Matthews reported that he had spoken to various interested parties regarding certification and that Supervisor Mirkarimi's office has requested that he testify at tomorrow's Rules Committee about the issue of certification for this year's elections.

7. **Discussion and Possible Action to assign oversight roles to Elections Commissioners for the June 6, 2006 Primary Election.**

President Matthews thanked the Director for the summary he provided of potential places that Commissioners could be helpful to the Department on Election Day. He then asked the Commissioners to report their decisions regarding what oversight roles they plan to fill. Commissioner Gleason – will be an inspector at the same precinct he worked during the November 2005 election. Commissioner Safire – will be working with Director Arntz on a plan for oversight in which they will be working together. Commissioner Chung – will be an inspector or a FED. Commissioner Meek – will be a FED or an inspector, depending upon which one Commissioner Chung chooses. Commissioner Mendelson – will finish the video, possibly an animation, he has been working on with people from Los Angeles of voter responses regarding how to make

the voting experience more friendly. Commissioner Matthews – will probably be an inspector or participate in a day-long observation of many venues.

Commissioner Gleason said that he's been advocating, since coming on the Commission, that Commissioners become more involved in the election day process. He said that he was surprised to learn that of the original Commission members, only one Commissioner had had any precinct level election day involvement. That had been Commissioner Thomas Schulz who had served as a precinct inspector. Commissioner Gleason said that working on Election Day is an important function of an Elections Commissioner. He said, however, despite his previously advocating for more Commission members to serve as polling place workers, it is actually not a good idea for all Commissioners to serve in that function. When someone works as a FED, Inspector or Poll Worker, that person, even a Commissioner, serves under the direction of the Director and Department of Elections and that is the proper situation. However, it is also important that Commissioners perform the important duty of oversight of the Department of Elections, and in order to do that, some number of the Commissioners should not directly be involved in functions that would put them under the direction of the Director or Department of Elections on Election Day. These separate but important functions may include independently visiting numerous precincts or being available at City Hall to respond to public inquiry.

Commissioner Gleason also suggested that the Elections Commission members who are not in positions under the direction of the Department of Elections on Election Day be issued unescorted and reasonably unrestricted access identification badges for that day.

8. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.** *President Matthews* asked the Director if, in addition to the approval of the Supplemental and Annual Budgets later on this agenda, there is anything the Commission can do to assist the Department. The Director asked the members to review the budget and contact him if there are questions. Also, he would like the Commission members to make themselves available for the budget presentation to the Board of Supervisors.

9. New Business

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of January 18, 2006.** Commissioner Chung MOVED and Commissioner Safire SECONDED approval of the minutes. The roll call vote was UNANIMOUS to approve the January 18, 2006 minutes.
- (b) ***The Commission will hear from the Budget and Policy Committee regarding its unanimous recommendation to approve the Supplemental Budget request for Fiscal Year 2005-2006.***
Discussion and possible action to accept the Budget and Policy Committee recommendation regarding approval of the Department of Elections' Supplemental Budget Request for Fiscal Year 2005-2006.
Commissioner Gleason reported that the Budget and Policy Committee met on Tuesday, February 7, 2006, and received a well prepared and presented

supplemental budget request. After review and discussion, the Committee voted that the Department needs the \$1,454,912 of supplemental funds and recommended approval to the full Commission. Commissioner Chung MOVED and Commissioner Safire SECONDED approval of this item. The roll call vote was UNANIMOUS to approve the Supplemental Budget Request for Fiscal Year 2005-2006.

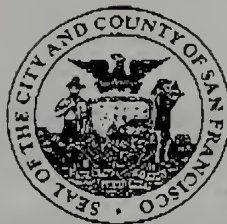
- (c) ***The Commission will hear from the Budget and Policy Committee regarding its unanimous recommendation to approve the Proposed Budget for Fiscal Year 2006-2007.*** Discussion and possible action to accept the Budget and Policy Committee recommendation regarding approval of the Department of Elections' Proposed Budget for Fiscal Year 2006-2007. *Commissioner Gleason* reported that the Budget and Policy Committee met on Tuesday, February 7, 2006, and received a well prepared and presented budget request. After review and discussion, the Committee voted that the Department needs the \$9,521,999 for Fiscal Year 2006-2007, and recommended approval of the budget to the full Commission. Commissioner Safire MOVED and Commissioner Meek SECONDED approval of this item. The roll call vote was UNANIMOUS to approve the Budget Request for Fiscal Year 2006-2007.
- (d) **Discussion and possible action to make a presentation to the Mayor's Office and the Board of Supervisors to explain what happens in the Department and how voters are affected/inconvenienced by budget cutbacks.** This item was continued until Commissioner Arnold Townsend could be present.

10. Old Business

- **Update and possible action on the proposed Voting Systems Forum for March 29, 2006.** *Commissioner Gleason* reminded members and the audience that the Forum will be held at the Main Library. Commissioner Gleason asked if the Commission agreed with his proposal to have a panel of four or more knowledgeable persons. He presented a list of possible panel members and said that a letter to the prospective panel members would be mailed out early next week. Commissioner Gleason announced that if Commissioners have any further names to suggest, to contact him. There will be press announcements about the forum that will be sent to the Board of Supervisors, the Mayor's Office, other government agencies and the media.

11. **Public comment** on any issue within the Elections Commission's general jurisdiction. *Jim Soper* said that the Automark was certified, by itself, by the Secretary of State's Office. *Chris Jerdonek* said no one has observed the Sequoia System handling RCV ballots and that he is concerned that there may not be enough time to fix problems. *Jeannette Hammond* said that she is concerned that the Department is rushing forward with Sequoia without looking at less expensive alternatives. *Steven Hill* said that he thinks the Department should continue to use ES&S's equipment because it is known to work rather than trust the Sequoia system which has not been certified for RCV. *Carol Bella* said that whole country is in chaos because of the HAVA deadlines and that votes are too important to risk.

12. **ADJOURNMENT @ 7:55 pm.**



ELECTIONS COMMISSION
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Elections Commission Meeting
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ORDER OF BUSINESS

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2. **ROLL CALL**
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4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Director's Report**
 - Report of Controller's Audit
 - Update of the voting equipment contract for June 2006 election
 - Plans for voting equipment for November 2006 election
 - Status of talks with Elections Systems and Software (ES&S)
 - Election Plan for Consolidated Primary Election for June 2006
 - Divisions' Preparations Report
6. **Commissioners' Reports**
 - Meetings with public officials
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 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
7. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.**

8. New Business

- (a) Discussion and possible action to approve the minutes for the Commission meeting of February 15, 2006.
- (b) Discussion and possible action to provide Commissioners with badges permitting unlimited access to all elections operations.
- (c) Discussion and possible action to resume two meetings per month of the full Elections Commission.
- (d) Discussion and possible action to refer budgetary classification of Commission Secretary position matter to Budget and Policy Committee. Motion: To refer to the Budget and Policy Committee the question posed by the Director of Elections of whether to continue classifying the Commission Secretary position as full-time; to hold hearings and take testimony, if necessary, from the Director of Elections, from the Controller or his designee, and from any other party that might be able to provide useful information; and that the Budget and Policy Committee will provide a recommendation at the April 19, 2006 full Commission meeting. (Commissioner Gleason)
- (e) Discussion and possible action to make a presentation to the Mayor's Office and the Board of Supervisors to explain what happens in the Department and how voters are affected by budget cutbacks.
- (f) Introduction of proposed amendments to the Elections Commission's Bylaws, including (a) clarifying the Commission's powers and duties in accordance with the San Francisco Charter, (b) reforming the jurisdiction and function of the standing committee, (c) removing President's status as ex officio member of all committees, (d) changing the dates of election of Commission officers, (e) reforming "Annals" section to conform with Charter requirements for annual reports and other changes, and (f) editing grammar, punctuation, and diction. Discussion and action on these proposed amendments will be scheduled for the April 19, 2006 Elections Commission meeting.

9. Old Business

- Update on the Voting Systems Forum for March 29, 2006. (Commissioner Gleason)

10. Discussion regarding items for future agendas**11. Public comment** on any issue within the Elections Commission's general jurisdiction.**12. Announcements****ADJOURNMENT**

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March 15, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:03 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Sheila Chung, Arnold Townsend, Jennifer Meek and Michael Mendelson. ABSENT: Eric Safire (Note: Mr. Safire resigned his position with the Commission effective March 14, 2006).
3. **DIRECTOR'S REPORT.**
 - **Report of Controller's Audit** – The personnel review audit is not completed.
 - **Update of the voting equipment contract for June 2006 election** – Sequoia decided that because a contract had not been executed, the company cannot commit substantial resources to San Francisco for implementation of their system. For this reason, negotiations for a contract for the June election with the company have ended. ES&S (Elections Systems and Software) has agreed to provide the services and equipment for the June election. Our contract with them will be an extension of the existing contract that expires in April 2006..
 - **Plans for voting equipment for November 2006 election** – ES&S has agreed to contract with the DoE through the November election. However, there is still an opportunity for Sequoia to provide a voting system that could be used in the 2007 election. For this to occur, the General Fund would need to provide up to \$3.5 M for the purchase before Sequoia can be an option. The ES&S ranked choice voting system had conditional certification twice in the past, and ES&S will need to receive that certification again from the Secretary of State before it can use the system for RCV in November 2006.
 - **Election Plan for Consolidated Primary Election for June 2006** – The Eagle and AutoMARK voting systems that will be used in June are not certified for use in tandem. Therefore, they will be treated as two individual certified systems at each polling site. Their ballots will be different, and the AutoMARK ballots will not be tabulated at the polling site. They will be counted at City Hall with a special tabulator.

Updates to the previous Election Plan are expected to be completed within the next two weeks.

Commissioner Chung said she was concerned that \$3.5 M was being spent (to use the ES&S system) after all the advocacy the Commission has done with the Board of Supervisors and the Mayor's office for additional funds to run the Department and the upcoming elections and now the Department would need additional funds to go forward with Sequoia. She said this puts the Department and the Commission in a tough situation.

Director Arntz said that this will be a decision that the City will have to make if it wants the option of moving to Sequoia in the future, and if that is the case, more funds will need to be allocated from the General Fund.

Commissioner Gleason asked if the \$3.5M was for service and equipment that includes the Eagle and the AutoMARK or was it for the AutoMARK alone.

Director Arntz replied that this amount was what ES&S said is needed to incorporate the AutoMARK into the Department's existing system/equipment and he was not sure how much of this money will be used to cover service. He couldn't give a more precise answer at this time.

President Matthews read from a letter from Sequoia dated March 14, 2006, entitled "Update Number 4", in which there was the statement "Sequoia cannot continue to work in good faith and expend substantial dollars and time without having a signed contract with the City of San Francisco" and in the next paragraph, "this situation with San Francisco is unique to this jurisdiction". The letter was over the signature of Jack Blaine, President of Sequoia. *Mr. Matthews* asked the Director if Mr. Blaine's "take" was on target, and if so, what makes San Francisco unique.

Director Arntz replied that the "uniqueness" may be the long time it takes to get a contract through San Francisco's administrative process. *President Matthews* asked if it was the contract or the payment piece that was Mr. Blaine's concern. *Director Arntz* replied that they are not independent of one another.

- **Divisions' Preparations Report** - Administration has hired an accountant who is familiarizing himself with the DoE; Ballot Distribution is readying sites for ballot deliveries, determining how the AutoMARK will effect their plans, finalizing negotiations with the post office regarding mailing absentees (126,000 permanent absentee voters to date), and preparing for the South of Market Project Committee Election and the Health Service System election that are scheduled to be held in May; Campaign Services completed candidate filings, and held a brown bag luncheon regarding ballot argument designations today; MIS is constantly upgrading the Department's database, especially as it relates to HAVA (Help America Vote Act); Outreach has 80 events scheduled, including 59 presentations (some to be held on site at Nationalization Ceremonies), has begun contacting community organizations, and has been working with the California Department of Corrections and Rehabilitation on their ex-offenders' program; Poll Working Training is in hiring mode; Precinct Services is re-contacting previous site owners and has made accessibility priorities paramount (last March there were 209 inaccessible sites, this March there are 89 inaccessible sites); Voter Services has contacted all "declined to state" voters to ask if they want to vote a "party card" for the June Primary Election. Currently there are 417,000 registered voters.

4. **Commissioners' Reports** – *Commissioner Gleason* reported that he was at a meeting with Supervisor Ross Mirkarimi regarding voting systems along with Director John Arntz and the City Attorney. He said there will be resolutions presented to the Rules Committee tomorrow and it was stressed that the DoE had important deadlines to meet. Additionally, *Commissioner Gleason* attended a meeting with Rob Richie, the Executive Director of Fair Vote and Director Arntz regarding rank choice voting in San Francisco. *Commissioner Townsend* reported that he has had several conversations with Supervisor Mirkarimi to express his personal concerns about the Sequoia contract and public input regarding the contract. The Commissioner said that comments from the public are very important to the

work the City does; however, care must be taken that we do not make the work of the DoE and its Director more difficult. *President Matthews* reported that he and Commissioners Safire, Townsend and Meek attended a meeting with the California Secretary of State at the DoE last week. President Matthews thanked the Director for including the Commission in this visit.

5. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.** President Matthews posed this question to the Director who responded that, at this time, he could not propose any action for the Commission.

6. New Business

(a) **Discussion and possible action to approve the minutes for the Commission meeting of February 15, 2006.** Commissioner Chung MOVED and Commissioner Meek SECONDED approval of the minutes. The roll call vote was UNANIMOUS for approval of the minutes.

(b) **Discussion and possible action to provide Commissioners with badges permitting unlimited access to all elections operations.** Commissioner Gleason MOVED and Commissioner Meek SECONDED this item.

Public Comment. *David Pilpel* said that since this is a request to the Director by the Commission, the Director can respond back to the Commission with a letter with whatever clarification, restriction or understanding are necessary to not interfere with the fair conduct of the election and still allow the Commission to observe, in a reasonable manner, without undue delay. *Roger Donaldson* said that the Commission should consider access by the observers from the political parties that should be broader and is part of the oversight function. *Steven Hill* said that oversight includes election day and everywhere the election is being conducted, which means inside the computer room as well, and that voters would expect that the Commission they created would have this oversight.

After discussion, the MOTION read: The request of the Commission is that the Department provide members with badges permitting unlimited access to all elections operations, subject to escorting requirements as dictated by the Director, and if an escort is required, it will be provided as promptly as possible under the circumstances.

This item PASSED with a roll call vote that was UNANIMOUS.

(c) **Discussion and possible action to resume two meetings per month of the full Elections Commission.** Commissioner Gleason MOVED and Commissioner Chung SECONDED the resumption of two meetings of the full Commission per month.

Commissioner Townsend said he was concerned that two meetings a month would put too much strain on the Director and the Department as we draw closer to the June and November elections.

Commissioner Gleason reminded the members that at the February meeting there

were major and significant issues that arose and those issues are now in the media and before the Board of Supervisors, but the Commission did not have a meeting until tonight's meeting. He said that this is the season (with an election approaching) when the Commission should be most active.

Public Comment. *David Pilpel* said it is reasonable and appropriate to have only one regular meeting and a committee meeting per month, and to hold special meetings when warranted. *Steven Hill* suggested that the Commission meet more often because there is much it is not doing which it would be able to do with more meetings, for example, making plans for advocating for money for more outreach. Mr. Hill said he could provide "lots of ideas" of topics about which the Commission could meet.

Commissioner Mendelson said that the Budget and Policy Committee should be where issues should be vetted. He said he is against two meeting per month of the full Commission.

Commissioner Chung said that she wonders why there is a Budget and Policy Committee because the role of the full Commission is to approve the budget and deal with policy issues. She said that, although she sits on that committee and sees the benefit of having more open, less restrictive dialogue, the full Commission needs to get more involved in these "pieces" of its responsibility and not just "kick it back" to a small Committee. Commissioner Chung said that she would like to see the Commission reassess its role and the role of a separate Budget and Policy Committee. She added that she was concerned that the Commission was placing a lot of power in the hands of the three members of the Budget and Policy Committee.

Commissioner Townsend gave a brief history of the reason the Budget and Policy Committee was first formed. He said that there were issues at the beginning of the Commission that the public was very concerned about and that the Committee allowed the public to have more time to voice their concerns about issues that were "very dear to them". Also, the Committee allows the public to have dialogue with the Commissioners and get responses from them, which cannot be done as easily in the full Commission forum.

Roll Call Vote was: Matthews – yes; Chung – yes; Gleason – yes; Meek – yes; Mendelson – no; Townsend – yes.

This item passed with one "No" vote.

- (d) **Discussion and possible action to refer budgetary classification of Commission Secretary position matter to Budget and Policy Committee.**
Motion: To refer to the Budget and Policy Committee the question posed by the Director of Elections of whether to continue classifying the Commission Secretary position as full-time; to hold hearings and take testimony, if necessary, from the Director of Elections, from the Controller or his designee, and from any other party that might be able to provide useful information; and that the Budget and Policy Committee will provide a recommendation at the April 19, 2006 full Commission meeting. (Commissioner Gleason)

President Matthews asked the Director if this was a classification or full-time employee status question. Director Arntz replied that the question is whether the Commission wants the position to be a full-time equivalent (FTE) position, and asked

that the Commission make this decision. Mr. Arntz stated that the Mayor's budget office made it a half-time position and the Department paid the remainder of the salary to make it full-time. The Director said that he wants a statement from the Commission stating that it needs a full time secretary.

Commissioner Mendelson asked if the Commission could, at this meeting, state for the record that it needs a full-time secretary.

Commissioner Townsend said that he had already responded to the Director with his desire that the secretary remain full-time for the seven Commissioners.

Director Arntz said that a letter from the Commission stating that a full-time Commission secretary is warranted would be helpful so he could send the letter to the Mayor's Budget Office.

Commissioner Townsend said that an explanation of why the position needs to be full-time and fully-funded should also go to the Mayor's budget office along with the letter. The Commissioner said that he wants the Commission to go on record as needing a full-time secretary.

President Matthews agreed that the explanation have "heft" to it and that this is why he thinks the subject should be sent to the Budget and Policy Committee.

Public Comment. *David Pilpel* said that he thinks the evidence is clear that the position needs to be full-time, and that the situation should not be further examined.

Jim Soper said that he would be available to go before the Board of Supervisors to explain all the responsibilities of the DoE and its Commission to justify the budget requests, and that the Board should support the Department in its needs.

Director Arntz asked if the Committee meeting would be the additional second meeting per month that was discussed earlier. *President Matthews* stated that there will be two Commission meetings per month in addition to one Committee meeting.

Commissioner Townsend suggested that the Commission dispose with this matter at tonight's meeting because the voters created the Commission, and it would be impossible to run a Charter-created Commission without at least one full-time staff person devoted to its seven Commissioners. He said that holding a hearing on this subject would send a signal that the Commission takes the idea of a half-time secretary seriously enough to hold an evidentiary hearing.

Roll Call Vote was: Matthews – yes; Chung – yes; Gleason – yes; Meek – yes; Mendelson – no; Townsend – no.

This item passed with two "no" votes.

(e) Discussion and possible action to make a presentation to the Mayor's Office and the Board of Supervisors to explain what happens in the Department and how voters are affected by budget cutbacks.

This item has been HELDOVER to the next meeting at the request of Commissioner Townsend.

- (f) **Introduction of proposed amendments to the Elections Commission's Bylaws, including (a) clarifying the Commission's powers and duties in accordance with the San Francisco Charter, (b) reforming the jurisdiction and function of the standing committee, (c) removing President's status as ex officio member of all committees, (d) changing the dates of election of Commission officers, (e) reforming "Annals" section to conform with Charter requirements for annual reports and other changes, and (f) editing grammar, punctuation, and diction. Discussion and action on these proposed amendments will be scheduled for the April 19, 2006 Elections Commission meeting.**

President Matthews reported that subsection (e) of the above proposal is no longer valid as there will be no amendments to that section.

Commissioner Mendelson advised that he would not be available to attend the next Elections Commission meeting because he will be observing Passover.

President Matthews passed out a draft of the proposed changes to the Bylaws and announced that this item will be on the agenda at the next Commission meeting.

7. Old Business

- **Update on the Voting Systems Forum for March 29, 2006. (Commissioner Gleason)**

Commissioner Gleason handed out flyers for the Forum, and announced that the panel of experts will include: Susan Lapsley, of the Office of Voting Systems Technology Assessment for the California Secretary of State; Warren Slocum, Assessor, County-Clerk, Recorder for San Mateo County; and Alan Dechart, President & CEO for Open Voting Consortium. *Commissioner Gleason* reported that invitations have been sent to the members of the Board of Supervisors and the Mayor's Office.

Discussion regarding items for future agendas

Commissioner Townsend asked that the Commission hold community meetings in the districts of San Francisco which will be experiencing RCV for the first time this November, as we did last year for the first districts to vote for their members of the Board of Supervisors on a RCV ballot.

Public comment on any issue within the Elections Commission's general jurisdiction.

Sherry Healy, from the California Election Protection Network, said that she agreed that AutoMARK was the best equipment to use for persons with disabilities but that she was not a supporter of ES&S. She said there are a couple of devices that would be cheaper to use and are under review by the Secretary of State. *David Healey* said that there is no reliable systems to comply with the HAVA requirements. *Ferris Gluck*, of Equalivote, demonstrated a "low tech, low cost, non-computerized alternative assistive device" that allows voters who are blind, and/or have dexterity problems to vote at the polling place on the same paper ballot as other voters. *Carl Carter* said that he knew many people who have been working on the subject for the Forum and that he would like them to be able to make a

ition. *Jim Soper* said that he has notified the Board of Supervisors of Alameda County and asked that the Commission email them more information about the Forum that will be held on March 29, 2006. *David Pilpel* said that he hoped that the City would not need to purchase the AutoMARK because it is the only system that will be ready for the June Election. His objection is that this would lock the City into that system. He said that renting or leasing would be more desirable. *Roger Donaldson* said that he was also concerned with the expense of the AutoMARK system. *Jennifer Hammond* said that she is pleased that the City is not going with Sequoia. *Steven Hill* said that San Francisco might want to come up with its own voting equipment.

ADJOURNMENTat 8:55

ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Sheila Chung, Vice President
Gerard Gleason
Jennifer Meek
Michael Mendelson
Eric Safire
Arnold Townsend

John Arntz
Director of Elections

DOCUMENTS DEPT.

MAR 23 2006

Shirley Rodriques
Commission Secretary

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Special meeting of the Elections Commission of the City and County of San Francisco

**An educational forum on the current and future state of
voting systems and vote tabulation devices**

1/06
Date: Wednesday, March 29th, 2006
Time: 6:00 PM
Location: Koret Auditorium, Main Branch, San Francisco Public Library, 30 Grove Street Entrance

The Koret Auditorium, located on the lower level of the Main Branch of the Public Library located at 100 Larkin Street (at Grove), enter 30 Grove Street, and proceed down stairs.

The meeting is open to all interested members of the public.

The scope of the forum is to allow members of the Elections Commission, and interested members of the public, to learn about and discuss the complex issues regarding the current and future development of voting technology and voting systems, including issues of public confidence.

The Elections Commission will hear information from a panel of experts, including:

Ms. Susan Lapsley
Office of Voting Systems Technology Assessment
California Secretary of State

Hon. Warren Slocum
Assessor, County-Clerk, Recorder
San Mateo County

Mr. Alan Dechart
President & CEO
Open Voting Consortium

The Forum is scheduled to run for two hours.

If you would like more information on this forum, please contact Shirley Rodriques, Commission Secretary, at 554-4305.

Disability Access

This meeting will be held in the Koret Meeting Room of the S. F. Public Library located at 100 Larkin Street. The 30 Grove Street Entrance is accessible to wheelchairs and the Koret Meeting Room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and around the Library.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

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Questions from attendees to the March 29, 2006 Forum on Voting Systems

1. *"Has anyone/group developed a good set of electionwatch material (for entire voting system of the election, not just the machine) especially for day of the election." - Kaye Griffin (kage@yak.net)*

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

I don't know of any.

Alan Dechart, President, Open Voting Consortium:

I assume you mean something for voters to use in contrast to procedures that elections officials use. I believe that Black Box Voting has put together some materials along these lines.

Courtenay Strickland Bhatia of Verified Voting Foundation:

Various groups have developed materials for observing elections. The Election Protection Coalition, which is composed of many groups and led by People for the American Way and the Lawyers' Committee for Civil Rights Under Law, has Election Day polling place observation programs in various areas of the country and has created materials for the volunteer observers.

For the November 2004 elections, VVF sponsored a program called TechWatch, which focused on observing logic and accuracy testing of voting equipment by elections officials prior to Election Day, and on providing technical expertise to polling place observation during Election Day.

The Verified Voting Foundation web site provides significant guidance for observation, including information for observation at the central tabulating facility and questions for observers to consider when observing any logic & accuracy testing that is scheduled by the county.

Please see

<http://www.verifiedvotingfoundation.org/downloads/20041024.pollmonitorsguide.pdf> for poll monitor observation information and

<http://www.verifiedvotingfoundation.org/article.php?id=6153> for questions that observers can take with them when going to observe pre-election testing.

Individuals wishing to engage in observation at the county's central office may need to make advance arrangements due to space limitations. For observation of logic & accuracy testing, one would need to contact the Elections Department in advance to find out the schedule.

VVF has also worked with the Miami-Dade Election Reform Coalition in the past to sponsor "poll closing" observation in Miami, Florida. That particular observation program focused on ballot accounting at the time of poll closing – reconciling the

number of votes cast on the machines with the number of voters signing in at the polling place. In November, 2004, such a program revealed election irregularities that offered lessons for election administration across the country.

For November 2006, VVF anticipates implementing a targeted observation program similar to the 2004 poll closing project in additional counties. We will be preparing materials for groups that wish to implement such a program.

2. ***“What is your opinion of increasing audits (to approx. 10%)?” – Jennifer Hammond.***

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

I am OK with this proposal – and we should include absentees in the audit.

Alan Dechart, President, Open Voting Consortium:

Audits need to be improved. It's not just a matter of increasing the percentage, however. Ensuring a statistically valid audit is a complicated matter. How sure do we need to be that the results were correct? 99 percent? How about 99.9999 percent? Or what? And, what do you mean by correct? For example, consider these two questions:

1. Were there anomalies in the count?
2. Was the winner of the contest correctly declared?

Which question do we care about the most? In a landslide, there could be quite a few anomalies while we could still have a high confidence level that the winner was correctly determined.

Then, what actions are to be taken depending on the audit results?

Here's the problem: the best answer (which would include a lot of statistical formulas and such) is way too complicated and scientific to include in election law. The formulas would also depend somewhat on the voting technology employed. An answer with language simple enough to be included in a bill (like “10% audit”) is not sufficiently detailed.

The best way to handle this would be to create a published standard and reference that standard in the law. This way, the standard could be refined and improved without needing to change the law. The law could say something like “audits will be done in accordance with the XYZ election audit protocol maintained by the National Institute of Standards and Technology (NIST)” (I'm not suggesting that NIST is the right body to maintain this standard – just using this as an example).

Courtenay Strickland Bhatia of Verified Voting Foundation:

The effectiveness of auditing a small number of precincts is greater in a statewide election than in a citywide election. This means that auditing 10% would be more

useful for races representing fewer voters. There is an obvious cost tradeoff, though.

3. ***“I tend to trust our optical scanning voting machines, but I wonder about the equipment downstream or i.e., the tabulating machines. How reliable are they?”*** – Allyson Washburn (V.P., League of Women Voters of SF)

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

There is no perfect system. I like them because in a recount situation you always have a real ballot voted by the voter.

Alan Dechart, President, Open Voting Consortium:

We can assume they are reliable because they have been tested. But should we assume that? Tabulating machines are black boxes whose inner workings cannot be checked by the public. We just have to take it on faith that the authorities are making sure. Shouldn't the details about how these systems work and how they are tested be made public? I think so.

Courtenay Strickland Bhatia of Verified Voting Foundation:

It is easier for someone with a password to change lots of votes in the Election Management System, which handles tabulation, than in lots of machines. However, it is also easier to audit the EMS, if the election office helps.

1. Precinct-by-precinct data should be posted on the internet as soon after the election as possible.
2. Precinct results should be posted at the polling place as soon as they are printed at the close of the election. California law can be read to require this, and Secretary Shelley issued a rule that it had to be done. That rule may still be in effect. Anyone can then compare the posted results with the results on the internet, and add up the numbers themselves.
3. Another step could be to ask poll workers to print extra copies of the results, and compare the numbers the next day to make sure the internet results match their numbers. While I don't know whether anyone does this, it would probably be doable.

This goes back to the primary point that it's important for the voting system in its entirety to provide transparency, reliability, and security, and for the system to be administered in a transparent, reliable, and secure manner. Tabulating machines can have vulnerabilities, both in terms of reliability and security, that must be managed. Ion Sancho, Supervisor of Elections in Leon County, Florida, showed how his own tabulating machine could be quickly manipulated by someone on the inside in order to change election results. It's important to choose the best possible equipment, but also to establish practices that will guard against exploitation of any vulnerabilities that the system may have. The three steps above are some good practices to follow.

4. ***"Is 'interpreted' code really prohibited by the FEC 2002 Regulation or is it merely 'voluntary' and if only voluntary – what are the teeth to the regulation?" – Pete Newcome***

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

Cannot comment.

Alan Dechart, President, Open Voting Consortium:

This is a pretty complicated question, legally and technically. I'll try to be brief. Computers (binary computers, actually) only understand zeros and ones ("machine code"). Programmers don't write the machine code that computers understand directly. Programmers write code using words and symbols relevant to their programming language of choice. Before a program can run, these words and symbols have to be translated into code the computer can understand – the translation will be done by another program, either an interpreter or a compiler, that works with the specific language and computer in use.

There are a couple of ways programmers' code can be translated into machine code: all-at-once, or on-the-fly. Interpreted code is programmers' code that gets translated into machine code on-the-fly. The interpreter (the program that interprets or translates the programmers' code into machine code) works line-by-line as the program executes (actually, some modern interpreters are smart enough to do more than a line at a time). Have you ever seen someone giving a speech in one language, stopping periodically while an interpreter repeats what is said but in another language? It's like that, but with computers the first speaker is talking the programmer's language and the interpreter repeats it in machine language. In a way, this is inefficient because the code may be executed over and over as the program repeats all or part of what it is designed to do. So, the same line of code may be translated into the same machine code over and over. Why not translate all the programmers' code into machine code and be done with it?

A compiler does just that. It takes the programmers' code and translates the whole thing into machine code. No interpretation (or translation) is needed while the program is executing because it's all written out in machine code (analogous to the speaker-translator example, it's like the original speaker doesn't say anything ... only the translation is read). In this way, a compiled program is more efficient and will execute faster than interpreted code. So why use interpreters at all?

With an interpreter, you can change the code and then run it. With a compiler, you have an extra step. You change the code, compile it, and then run it. Compilation can be automated to a certain degree, but when programs get large and complicated, this extra step can take some time.

So, it's easier to change a program that uses an interpreter compared to a program that uses a compiler. Does this mean that interpreted code is more hackable (because it's easier to change)? Yes, in some ways, but not necessarily. A lot of this depends on the physical security of the equipment. A computerized system used in the voting process that has no interpreted code could still be hackable. If someone with sufficient knowledge and tools has access to the machine, s/he

could introduce malicious software.

Do the 2002 standards prohibit interpreted code? I have read the standards and nowhere does it say anything like, "interpreted code (or interpreter) is not allowed." There are some requirements that would seem to exclude interpreters, but there is also some language that would seem to allow them (that's not the only instance where there is some vague and contradictory language in the standards). It has been asserted that interpreters are prohibited, and enough authorities seem to have bought into this viewpoint to make it fact (or near fact).

So, let's assume that the 2002 standards say that interpreted code should not be used. Does that really mean NO? Is it illegal to have interpreted code in a voting machine? Not exactly.

The guidelines are voluntary. No one is required to follow the standards. Furthermore, there has been little oversight when it comes to ensuring the standards are followed in the certification process. Certification is a transaction between two private companies: the vendor and the test lab. For the most part, no one else is involved and they keep everything a secret. The Help America Vote Act of 2002 (HAVA) created the Election Assistance Commission (EAC) and gave them some oversight responsibilities. However, this new system has not really kicked into gear yet (and it's not clear how new the system is or will be... the EAC hired Tom Wilkey, the guy that used to run the old system).

Notwithstanding the voluntary nature of the guidelines, the provisions may be considered mandatory for California. This is because California has chosen to opt into this system. Still, it can be a challenge to know what those provisions are. Test authorities seem to say interpreted code should not be used but they did allow it. Will they continue to allow it?

I have recommended (and will continue to recommend over and over) that CA opt out of this system. It will not be trivial to get out, and will take some time (if we opt out right now, we may have to repay some HAVA funds). We need to put an alternate system in place. We should probably be working with the EAC and the CA alternate system in parallel for a while before we cancel out of the old system.

So, to make a long story short, as long as California has opted into this system, we need to go along with the requirements. It's not perfectly clear that interpreted code is not allowed. The Secretary of State needs to find out.

Courtenay Strickland Bhatia of Verified Voting Foundation:

The interpreted code requirement is subject to interpretation (no pun intended). The recent report by the Secretary of State's Voting Systems Technical Assessment Advisory Board (VSTAAB) said that interpreters were contrary to the FEC 2002 requirement.

This rule has not been enforced well by the Federal certification process.

Some technical experts say that interpreters are not inherently bad, although Diebold's way of using them is problem. The FEC 2002 regulations are neither clear, nor particularly well-informed technically on this question.

5. ***“California law requires an accessible voter-verified paper trail. When is a paper trail considered accessible, and do the voting systems certified for use in California meet or violate this state law?”*** – anonymous

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

The paper trail component is deemed “accessible” when a voter can validate his/her vote independently and in private. In a DRE environment, the choices of a voter should be “read” back to the voter through headphones from the paper trail (EC 19251a). Currently, the Diebold, Sequoia, and the Hart InterCivic voting machines certified by the state “read” back votes from the tally component of the system, but not directly from the paper trail.

Alan Dechart, President, Open Voting Consortium:

See section 19251(a) of the election code:

19251. For purposes of this article, the following terms shall have the following meanings:

(a) "Accessible" means that the information provided on the paper record copy from the voter verified paper audit trail mechanism is provided or conveyed to voters via both a visual and a nonvisual method, such as through an audio component.

This section says the audio readback is supposed to come from the paper. I don't think any of the current systems do that. The audio is not obtained from the paper but from the stored data reflecting voter choices.

So, it seems that current DRE systems with the voter verified paper audit trail are in violation of state law.

Courtenay Strickland Bhatia of Verified Voting Foundation:

I don't think this question has been clarified. Verified Voting's position for a long time has been that people with disabilities have to be able to verify the contents of the VVPR, by electronic means if need be. In other words, the results have to be read off the paper, either by eye or electronically.

This requirement was in one of the original drafts of California's paper trail requirements, but it was then watered down. So far as we know, the AutoMark is the only accessible machine that reads back the marked ballots electronically.

6. ***“Does HAVA require counties to purchase new electronic voting systems? If not, has SF considered using the HAVA funds for good quality, transparent scanning equipment not the error-prone Sequoia machines?”*** – Lee Munson

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

A: HAVA requires that all voters be able to vote independently and in private. Current scanning (paper base) voting system cannot meet this requirement by itself. Therefore, new electronic voting systems made to serve this segment of the voting population must be acquired.

Courtenay Strickland Bhatia of Verified Voting Foundation:

This is an excellent question, and one that Verified Voting has heard from several counties. In answer to it, we prepared a commentary entitled, "Voting Systems Purchases and the Help America Vote Act," which can be downloaded at <http://www.verifiedvotingfoundation.org/article.php?id=6346>. In short, before January 1, 2007, HAVA does permit the acquisition of ACCESSIBLE optical scan voting systems. On or after January 1, 2007, HAVA still permits the acquisition of accessible optical scan systems so long as HAVA Title II funds are used only for purchase of the accessible components.

At present, Verified Voting encourages the use of precinct-count optical scan voting systems and accessible ballot-marking devices as the most practical, cost-effective and accessible means of providing a voter-verified paper record, which is the essential ingredient for meaningful recounts and routine audits.

7. *"It seems to me that a 1% audit of precincts is inadequate. What can be done to improve the rigors of audits? We need to be reasonably sure that no cheating is going on."* – Jim Soper

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

A: As a general policy we should strengthen the Canvass of the Vote process which includes the 1% manual recount. Specifically we should increase the requirement from the current level; we should run software checks to ensure the version of software used on Election Day was the same as the version certified; and we should include absentees in the Canvass process. In addition, there should be a mandatory recount statute which would require the government to automatically recount a contest if it is within a certain percentage.

Alan Dechart, President, Open Voting Consortium:

Same answer as I gave in #2 above.

Courtenay Strickland Bhatia of Verified Voting Foundation:

For a statewide race, 1% may be enough. For a local race, it doesn't prove much. One solution is to count more precincts.

Randomly auditing small races is a big problem. Audits that take advantage of randomly selected BALLOTS instead of PRECINCTS could theoretically be much more effective, but they would require some way of individually matching paper and electronic ballots. We don't know if this method could be applied to existing equipment.

One step that can be taken to improve the rigors of audits is to make sure that random audits are truly random. In order to do this, selection of the precincts must

be public, transparent, and random in a way that is easily observed by the general public. For example, a researcher with the ACCURATE (A Center for Correct, Usable, Reliable, Auditable, and Transparent Elections) project has suggested that rolling 10-sided dice under public observation might be one way to achieve true randomness and transparency at the same time.

8. ***“San Francisco’s current voting equipment is pretty good (i.e., paper trail op-scan). Can we meet HAVA standards without throwing all that out? Something new might be worse.”*** – Brian

Courtenay Strickland Bhatia of Verified Voting Foundation:

You have a point. Access for persons with disabilities needs to be addressed.

9. ***“Are efforts being made towards implementing background checks and enforcement for vendors?”*** – anonymous

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

Not that I know about.

Courtenay Strickland Bhatia of Verified Voting Foundation:

Probably not. One issue that we might want to consider is whether procurement standards should be linked to the certification process – for example, requiring vendors to demonstrate their capacity to fill orders.

- 10. ***“Were the vendors the same in each of the voting poll places where there were discrepancies between reported counts and exit polls?”***

- anonymous

Response:

Courtenay Strickland Bhatia of Verified Voting Foundation:

No.

- For Alan Dechert:

Why advocate for complete open source systems, software; hardware & firmware, considering that 99% of people/voters are not technically skilled enough to even look at source code? And considering that some number of people who could, in fact, look at source code may be the type of person who would consider doing something malicious, why invite that? Would it not be better to allow “disclosed source” systems, and have a wide body of responsible individuals and organizations (including the Open Voting Consortium) invited to review software

that is in a more accessible escrow environment? What is wrong with the "disclosed source" system?- Commissioner Gerard Gleason

Response:

I covered part of this in my presentation. It doesn't matter if "99% of people/voters are not technically skilled enough to even look at source code." A similar percentage of people cannot evaluate legal code either. But we still want that freely available online for anyone that wants to study it.

The limited disclosure model you describe has its own problems. Who gets to review the code? Under what conditions? It may be a liability to look at it depending on what the disclosure agreement says. Will vendors have a say in approving/disapproving reviewers?

You specifically mention Open Voting Consortium but that may present serious conflicts of interest for us. I probably would advise our engineers to not look at it just as I did when VoteHere disclosed their source code. If few organizations/individuals get to see it, there may be too much work and responsibility placed on them. Real testing is a lot of work. Will the reviewers get paid? How much? By whom?

Review by prominent academics is not likely to be conclusive. They're going to find plenty of issues. I don't see disclosure as a way to give a thumbs up or thumbs down. Vendors need to come clean and say, "see, we have nothing to hide." This will improve public confidence. With full public disclosure, over time, the large body of reviewers will contribute improvements.

Generally, I favor full public disclosure because there are more pros than cons

- **For Slocum, Dechert & Bhatia:**

Why is there a need to allow individual California counties to select voting systems from a multitude of vendors? Many county registrars talk about the "uniqueness" regarding the voting systems needs of their jurisdictions, however it seems all elections require one simple product, a device to count votes. Some states have single system or selected choice voting systems. Given that in the private sector, 19 vendors would unlikely be able to compete delivering most products to such a restricted market need, why should California counties continue to engage in such a disjointed purchasing model? Why not restrict the selection to one or two reliable systems?

- Commissioner Gerard Gleason

Responses:

Warren Slocum, Chief Elections Officer, San Mateo County:

California counties have always enjoyed freedom from state control in this area despite the fact that under law counties are considered an arm of the state. Perhaps the government should sponsor efforts to create an open voting system that could then have incentives for counties to use? Local Registrars have always had the power to select the machines of their choice – I could envision the state changing this but it would be difficult. And once again, there is no perfect voting system and this approach would have pros and cons – plus the always present "unintended consequences."

Alan Dechart, President, Open Voting Consortium:

I favor moving to one system in California – public software and commodity hardware. In this business model, election vendors would make their money on the services they provide to counties – not on the hardware and software. Hardware would be purchased from companies like Dell, IBM, HP, etc. Software would be free.

Courtenay Strickland Bhatia of Verified Voting Foundation:

It's possible to make statewide mistakes. Los Angeles does have different needs from rural counties, because of the sheer number of ballots. LA needs to allow voting in SEVEN languages, by law.

Also, if systems are chosen on a statewide level, we should be mindful of the impact that the voting machine selections of big states like California and Texas would likely have on the market as a whole. Voting machines could become like text books, with big states essentially determining through their choices what small states must use, since the vendors would likely cater to markets in the largest states.

With respect to the number of voting machine vendors, currently, the market is an oligopoly that is dominated by just a handful of companies. In Florida, all the vendors certified in that state refused for a time to do business with a Florida county whose election official exposed security vulnerabilities in his voting system. The small number of certified vendors (not to mention the behavior of the ones that were) was a big problem.

While this is not to say that we shouldn't adopt statewide systems, it is to say that there are a variety of factors that must be taken into account in determining whether that is a good idea.

- 14. *"I hear SF is considering Sequoia and Auto-Mark. Will SF consider one of the vote assistive devices, for example, Vote Pad or Equalivote to comply with HAVA's disability access requirements."* – Sherry Healy

Response:

None of the panelists responded to this question.

ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Sheila Chung, Vice President
Gerard Gleason
Jennifer Mcek
Michael Mendelson
Eric Safire
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

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NOTICE

03-31-07P01.20 RCVG

The Elections Commission Meeting
For Wednesday, April 5, 2006, at 7:00 pm
City Hall Room 408

is CANCELLED

The Next Scheduled Meeting is Wednesday, April 19, 2006



ELECTIONS COMMISSION
City and County of San Francisco

Richard P. Matthews, President
Sheila Chung, Vice President
Gerard Gleason
Jennifer Meek
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, April 19, 2006 at 7:00 pm
City Hall Room 408

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ORDER OF BUSINESS

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04-14-07P01:40 RCVD

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Director's Report**
 - Ballot Distribution
 - Budget/Personnel
 - Campaign Services
 - Outreach
 - Poll Locating/ADA
 - Poll Worker Division
 - Technology Division
 - Voter Services
 - Update on the Voting System
 - The SOMA Election in May
6. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
7. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.**

8. New Business

- (a) Discussion and possible action to approve the minutes for the Commission meeting of March 15, 2006.
- (b) Report of the Forum on Voting Systems held on March 29, 2006 (Commissioner Gleason)
- (c) Discussion and possible action for the Elections Commission to send a letter to the Secretary of State of California asking that the "conditional approval" of the ES&S Ranked-Choice Voting system and methods be upgraded to "approval." Proponent suggests that the ES&S RCV system and procedure has worked as intended in the two elections over two years in which it has been used in San Francisco, thus warranting full certification. (Commissioner Gleason)

9. Old Business

- (a) Budget and Policy Committee report regarding decision to declare the Elections Commission Secretary position full time. (Commissioner Gleason)
- (b) Discussion and possible action to approve a letter to the Mayor's Budget Office declaring the Elections Commission Secretary position full time.
- (c) Discussion and possible action to adopt the proposed Elections Commission Bylaws Amendments. (Commissioner Matthews)

10. Discussion regarding items for future agendas**11. Public comment on any issue within the Elections Commission's general jurisdiction.****12. Announcements****ADJOURNMENT**

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

City and County of San Francisco
Elections Commission
Approved: May 3, 2006
Minutes of the Meeting at City Hall Room 408
April 19, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:03 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Jennifer Meek and Michael Mendelson. Commissioner Sheila Chung joined the meeting at approximately 7:30 pm.
3. **DIRECTOR'S REPORT.**

Ballot Distribution – The Central Committee Card will be arriving at 240 Van Ness Avenue. Brooks Hall is being readied for the assembly of the Absentee Ballots, which will begin next Monday in preparation for mailing on May 8. The Health Services Election has been cancelled because there was only one candidate.

Budget and Personnel – Requisitions for supplies and staff are the main activities currently.

Campaign Services – The Phone Bank began this week (the 554-4375 main number now goes to the Phone Bank). Staff is formulating the Observer Guide for tours and escorts for the June Election. Open House will be May 17, 2006 from 3:30 to 5:30.

Outreach – A new staff member was hired today whose focus will be low voter turnout areas, college campuses, and the ex-offenders' program. The Outreach team now has six members. One of the main focuses of the team is to educate voters about the AutoMARK voting system. There are currently eleven presentations scheduled regarding the system. In April, there were 75 presentations and table events scheduled - this was a busy, ambitious, and rewarding schedule. At the Immigration Service's New Citizens' ceremonies, the Department of Elections usually gets around 80 registration cards. However, this month 250 registrations were returned from the new citizens. This increase is attributed to our Outreach Division's efforts to make their presentation before the ceremony instead of afterwards, which was the procedure used in the past.

Poll Locating/ADA – This Division experienced eleven site cancellations this week. Efforts are being made to replace the cancellations and twenty-four of the least accessible sites in the City.

Poll Worker Division – The Division has recruited nearly 2000 workers. The Poll Worker Manual is in production. Recruitment of High School students for this June's election is expected to be lower than last November due to year-end tests and graduations. There are 62 FEDs recruited so far, and trainers are working on their curriculum in preparation for classes next month.

Technology – The Division has been working desktop and database support for the last several weeks.

Voter Services – The Division is preparing for early voting which begins May 8th. Overseas ballots are being assembled and will be mailed out this Friday.

Update on the Voting System – The contract with Elections Systems and Software is complete for June 2006, and is now at the Purchaser's Office. Once it is signed there, the application goes to the Voting Modernization Board, hopefully next Tuesday, and will be calendared for their May meeting. This is necessary to get the grant monies from the State to pay for the use of the AutoMARK for the June Election.

The SOMA Election in May – The Redevelopment Agency requested an election. There is a several-block area south of Market of businesses and residents who want this election to assist in developing plans for the area. This election will be May 3, 2006, noon until 8:00 pm at 1035 Folsom Street.

4. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.** President Matthews posed this question to the Director who responded that, at this time, he could not propose any action for the Commission.

5. New Business

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of March 15, 2006.** Commissioner Mendelson MOVED and Commissioner Gleason SECONDED approval of the minutes. The roll call vote was UNANIMOUS for approval of the minutes.

(b) **Report of the Forum on Voting Systems held on March 29, 2006 (Commissioner Gleason).** Commissioner Gleason reported that the forum was well attended with approximately 50 to 60 people in the audience. The panelists were: Ms. Courtenay S. Bhatia, President & CEO of Verified Voting, The Hon. Warren Slocum, Assessor, County-Clerk, Recorder for San Mateo County and Mr. Alan Dechart, President & CEO of Open Voting Consortium. Due to time constraints at the forum, the questions and replies from the panelists are posted on the Elections Commission website under "meetings" and will also be available on the Department of Elections website. The Commissioner thanked the Commission Secretary for her suggestion to cover the audiences' written questions by having the panelists respond in writing and making those responses available to the public on the Elections Commission and Department websites.

Public Comment. Jim Soper and Steven Hill commended the Commission for holding the Voting Systems Forum. Steven Hill encouraged the Commission to hold more forums regarding other topics of voter interest.

- (c) **Discussion and possible action for the Elections Commission to send a letter to the Secretary of State of California asking that the "conditional approval" of the ES&S Ranked-Choice Voting system and methods be upgraded to "approval."** Proponent

suggests that the ES&S RCV system and procedure has worked as intended in the two elections over two years in which it has been used in San Francisco, thus warranting full certification. (Commissioner Gleason). Commissioner Gleason presented a draft of this letter. He said that purpose of having this item on the agenda is to provide "peace of mind" for the Department as it goes forward to the November Election. Commissioner Gleason said that he would like the Commission to communicate this request to the Secretary of State (SoS).

Commissioner *Townsend* said that he agreed with the purpose of the letter, but that letter presumes to know the mind of the SoS. He would prefer a tone that doesn't assume that that the reason for the delay was the resignation of Kevin Shelly. He would prefer that this be a question. The Commissioner also objected to the use of someone other than "staff" drafting a letter for the Commission to approve.

Commissioner *Gleason* said that he was against the Department writing letters for the Commission, and gave the example that the Police Department does not and should not write letters for its Commission. He stated that he was willing to put this item over to the next meeting.

President Matthews asked if Commissioner Gleason would re-draft the letter in a more "Commission-like tone", fact check the assertions and calendar it for the next Commission meeting.

Commissioner *Gleason* asked the Commission members to let him know their suggestions for the letter.

Public Comment. *Steven Hill* (who was instrumental in researching and writing the first draft of the letter) said that the letter was basically a housecleaning item left over from the previous SoS administration. He said that he sees no reason why the Commission cannot take information from people in the community who have expertise in areas of Commission concern. *David Pilpel* said that he wasn't sure that the Commission was proper in sending this type of correspondence to the SoS. Vendors have the opportunity to certify their systems and the Departments have the opportunity to make certain request on the technology. Mr. Pilpel suggested that this question be asked of the City Attorney and that perhaps the City should be speaking to the SoS with "one voice", that is, through the Director of the Department, about this issue.

President Matthews asked the Deputy City Attorney to advise the Commission, at his convenience, whether the Elections Commission is, in fact, constituted to write this type of correspondence to the SoS, or whether it would be more appropriate that either the vendor or Department do so.

Deputy City Attorney Marquez replied that he would look into this question and be prepared to respond at the next meeting.

ACTION: Item held over to next meeting.

6. Old Business

(a) and (b) Budget and Policy Committee report regarding decision to declare the Elections Commission Secretary position full time. (Commissioner Gleason)

Commissioner Gleason reported that the Committee met and decided to communicate to the Director of Elections that the Commission Secretary position needs to continue to be full time. In addition, it was decided that the Director would report back to the Committee or Commission regarding the outcome or status of forwarding this request to the Mayor's Budget Office.

Public Comment. *David Pilpel* stated that it was discussed at the Committee meeting whether the wording "decision to declare" was correct. He suggested the wording be changed to "recommend that in the budget, that the Commission Secretary position be full time under the purview of the Commission."

MOTION: Approving a letter to the Mayor's Budget Office declaring the Elections Commission's need for a full-time Secretary position and requesting full funding for the full-time Secretary position from the Elections Commission's budget. The Director is to report back to the Commission on the status of the position.

MOVED by Commissioner Townsend, SECONDED by Commissioner Meek. Roll Call VOTE was unanimous.

(c) Discussion and possible action to adopt the proposed Elections Commission Bylaws Amendments. (Commissioner Matthews). President Matthews passed the gavel to Vice President Chung. President Matthews presented the six articles that only contained grammatical and punctuation corrections for approval, followed by an Article by Article discussion of other amendments. He explained that the amendments are presented to bring the Bylaws in closer alignment with the Charter provisions that created the Commission.

Public Comment. *David Pilpel* presented his suggestions to the draft Bylaw amendments.

MOTION: To approve grammatical and punctuation changes to Articles 1, 6, 8, 9, 12, 13, and 14.

MOVED by Commissioner Matthews, SECONDED by Commissioner Meek. Roll Call VOTE was UNANIMOUS.

MOTION: To approve Article II amendment as discussed.

MOVED by Commissioner Matthews, SECONDED by Commissioner Mendelson. Roll Call VOTE was UNANIMOUS.

MOTION: To approve Article III amendment as discussed.

MOVED by Commissioner Matthews, SECONDED by Commissioner Meek. Roll Call VOTE was UNANIMOUS.

MOTION: To approve Article IV amendment as discussed.

MOVED by Commissioner Matthews, SECONDED by Commissioner Mendelson. Roll Call VOTE was UNANIMOUS.

MOTION: To approve Article V amendment as discussed.

MOVED by Commissioner Matthews, SECONDED by Commissioner Gleason.

Roll Call VOTE was UNANIMOUS.

MOTION: To approve Article VII amendment as discussed.
 MOVED by Commissioner Matthews, SECONDED by Commissioner Meek.
 Roll Call VOTE was UNANIMOUS.

MOTION: To approve Article X amendment as discussed.
 MOVED by Commissioner Matthews, SECONDED by Commissioner Townsend.
 Roll Call VOTE was UNANIMOUS.

MOTION: To approve Article XI amendment as discussed.
 MOVED by Commissioner Matthews, SECONDED by Commissioner Mendelson.
 Roll Call VOTE was UNANIMOUS.

7. **Public Comment.** *David Pilpel* asked that the Commission consider his Bylaws edits at a later date. *Jim Soper* advised that the Assembly Elections Committee had brought out of committee AB2097, which mandates by June 30, 2007, that there be open source software for all election machines.

ADJOURNMENT at 8:45pm

Bylaws as amended:

Revisions: Additions are underlined, deletions are ~~struck through~~, and sections moved have *italized notes* explaining their destination.

SAN FRANCISCO ELECTIONS COMMISSION

BYLAWS

ARTICLE I

THE COMMISSION

Section 1. Commission Designation.

- ~~A.~~ The Commission is officially designated "The San Francisco Elections Commission" (hereinafter the "Commission").

PRINCIPAL OFFICE

Section 2. Site

- A. The Commission's principal office and site for filing all relevant documents is:
Room 48, 1 Carlton Goodlett Place, San Francisco, California 94102.

ARTICLE II

PURPOSE

Section 1. Purpose.

1. The Commission shall oversee all public, federal, state, district, and municipal elections in the City and County of San Francisco, as well as set general policies for the general practices of the Department of Elections.
2. The Commission shall be responsible for the ~~Department's~~ proper administration of the Department of Elections subject to the San Francisco Charter's budgetary and fiscal provisions as well as other applicable state and federal laws.

ARTICLE III

COMMISSION'S EXISTENCE AND OPERATIONS

Section 1. Commission Establishment.

- A. The Commission exists and functions pursuant to Section 13.103.5; of the San Francisco Charter which establishes the jurisdiction, number of members of the Commission, Commissioners' terms, the term limitations, the employment limitations, and other relevant matters controlling the Commission's operation. (See, Attachment "A".) The Commission also generally functions pursuant to Sections 4.102-4.104 of the San Francisco Charter, except to the extent that a given subsection conflicts with or is incompatible with the Sections 13.103.5 or 13.104 of the San Francisco Charter.

~~COMMISSIONERS AS PUBLIC OFFICIALS~~

Section 2. Public Officials

- A. Because the Charter provision creating the Commission makes Commission members officials of the City and County of San Francisco, the Commissioners are eligible for health benefits pursuant to Section A8.420, San Francisco City Charter. (See,

Attachment "B").

ARTICLE IV

Section 1: COMMISSION'S POWERS AND DUTIES

- A. The Commission shall create and implement general plans and policies consistent with the Commission's stated Charter purposes and objectives.
 - B. The Commission shall consider approval of written plans, prior to each election, submitted by the Director of Elections, detailing the policies, procedures, and personnel that will be used to conduct the election.
 - C. The Commission shall conduct an assessment of how well the election plan referred to in subsection (B) above succeeded in carrying out a free, fair and functional election.
 - B. D. After public hearing, the Commission shall approve a departmental budget subject to Section 9.103; of the San Francisco Charter.
 - E. The Commission shall recommend to the Board of Supervisors rates, fees, and similar charges within the Commission's jurisdiction.
 - F. The Commission shall hire, manage, and supervise the Director of the Department of Elections.
 - G. The Commission shall conduct investigations into areas within the Commission's jurisdiction by holding hearings and taking testimony, and make recommendations to the Mayor or Board of Supervisors.
 - H. The Commission shall appoint an Executive Secretary to manage the affairs and operations of the Commission.
1. I. The Commission shall retain temporary counsel for specific purposes.
- 1. The Commission shall exercise such other powers and duties as shall be prescribed by the Board of Supervisors which are not inconsistent with other laws which apply to the Elections Commission.
 - 2. The Commission shall adopt rules and regulations consistent with the San Francisco Charter and ordinances of the City and County setting forth general policies and practices relating to all public elections conducted by the department. No rule or regulation shall be adopted, amended, or repealed, without a public hearing. At least ten days' public notice shall be given for such a public hearing. All such rules and regulations shall be filed with the Clerk of the Board of Supervisors.

ARTICLE V

OFFICERS

Section 1. Officers.

- A. The Commission's executive officers are ~~1)~~ President and ~~2)~~ Vice President, who serve at the Commission's pleasure.
- B. The Commission shall elect the executive officers by majority vote of the

Commission's full membership. The election of Commission executive officers shall be conducted at a Commission meeting in January of each year.

The terms shall begin immediately at the conclusion of the meeting in which elections are held.

- C. The Executive Officers' terms are one year. ~~shall serve a one-year term.~~

- D. If a vacancy occurs in either executive office, the Commission shall elect new Executive Officer by majority vote of the Commission's full membership at the next regular meeting.

Section 2. The President

1. The President shall preside at all Commission meetings when present.
2. The President, with the Commission's advice, shall prepare the agenda for all

meetings.

1. The President shall appoint all committee members and committee chairs who
2. ~~The President shall serve as an ex officio, non-voting member of all Commission~~

serve at the President's pleasure.

~~—committees.~~

D. In the president's absence, the vice president shall preside at the Commission meeting. In the absence of both the president and vice president, the Commission shall elect a president pro tem who shall preside at the Commission meeting.

Section 3. The Vice President

- A. In the absence of the President, the Vice President shall act.

1. The Vice President shall perform such other duties as the President may determine.

ARTICLE VI

COMMISSION STAFF

Section 1. Director ~~Department of~~ Elections.

- A. Section 13.104; of the San Francisco Charter, which establishes the Director of Election's duties, term of service, method of removal shall control the Director's official conduct.
- B. The Director shall attend all Commission and committee meetings;
- C. The Director shall report timely and regularly to the Commission on all matters

concerning the Department's operation.

Section 2. Commission Executive Secretary.

- 1. The Executive Secretary shall attend all Commission and committee meetings.
- 2. The Executive Secretary shall be responsible for the proper recordation and
- 3. The Executive Secretary shall also serve as Executive Assistant to the

distribution of all Commission actions, correspondence, agendas, and other duties assigned by the Commission President, including research, assisting committee chairs and officers, making recommendations on assigned projects, answering questions from the public about Commission activities and procedures, helping the Department of Elections staff prepare presentations before the Commission, representing the Commission at public and political gatherings as required by the Commission President.

Commission President and, as such Executive Assistant to the Commission President, shall be responsible for communication between the Commission members, the Commission, and the Director, Department of Elections as well as other tasks the President shall assign.

ARTICLE VII

COMMITTEES

Section 1. Standing Committees. The Commission shall establish one standing committee, the ~~General Policy and Budget~~ and Oversight of Public Elections Committee.

Amended May 19, 2004

Section 2. Committee Operations. (*Move this section and rename it "Section 3"*)

1. Each committee shall consist of three members.
2. A quorum shall consist of a majority of the committee members.
3. The Committee shall act through majority vote of the Committee.
4. If any Committee adopts a motion making any recommendation to the Commission, the Commission president shall place that item on the agenda for the next Commission meeting.

Section 3. Additional Committees. (*Move this section and rename it "Section 2"*)

- ~~A.~~ The Commission may create additional committees when the Commission determines, by a majority vote, such additional committees are necessary.

ARTICLE VIII

MEETINGS

Section 1. Quorum.

1. A quorum shall consist of a majority of the Commission.
2. For a motion or other transaction to ~~pass~~ be adopted by the Commission, it must receive a majority vote of the Commission membership.

Section 2. Public Comment.

1. The Commission meetings are public; the Commission shall encourage public comment.
2. Any public member may address the Commission once for up to three minutes on any agenda item.
3. Public comment is hereby made a permanent agenda item.
4. When an item may generate considerable public comment, the presiding officer, at his or her sole discretion, can require public commentators to sign up with the Executive Secretary.
 - ~~i.~~Public commentators will speak based on "sign up" order.
 - ii Public commentators who do not sign or do not wish to give their name may comment after those who signed up to speak.
1. The presiding officer shall have the right to restrict public comment to a maximum of one minute if circumstances warrant restriction.

Section 3. Public Minutes.

1. The Commission shall record minutes of each meeting and shall comply with the provisions of the San Francisco Sunshine Ordinance (San Francisco

Administrative Code Section 67.16).

1. Whenever practicable, the Commission shall approve the minutes at the next Commission meeting.

Section 4. Regular Meetings.

- A. The Commission shall establish a regular meeting time.
- B. A change in the date, time and/or place of Commission meetings shall not require ~~By~~ ~~Law~~ amendment of these Bylaws.

1. Regular meetings and/or special meetings may be held at other places, dates or times, subject to provisions of appropriate notice.

Section 5. Closed Meetings.

- A. The Commission is authorized to hold closed (non-public) meetings for limited purposes to discuss and act on matters such as threats to the security of the Department of Elections, consideration of the appointment, employment, evaluation, performance, or dismissal of the Director, Department of Elections, or Commission Executive Secretary, or pending litigation.
- B. Upon consultation of the City Attorney, and after determination a closed session is both authorized and appropriate under the circumstances, the President of the Commission may call a closed session.

Section 6. Special Meetings.

- ~~A.~~ The President of the Commission may call special meetings to address specific matters.

ARTICLE IX

VOTING

Section 1. Voting and Abstention.

- A. Each member present at a Commission shall vote ~~(yes) or (no)~~ "yes" or "no" when a question is put unless excused from voting by a motion adopted by a majority of members present.
- B. If a question of conflict of interest arises, the Commissioners, by majority vote, shall determine if such conflict exists and shall excuse that Commissioner from voting on the question if a conflict is found.

Section 2. Voting By Proxy.

~~A.~~ No proxy voting shall be allowed.

ARTICLE X**COMMISSION DEALINGS WITH THE DEPARTMENT OF ELECTIONS**

~~A.~~ The Commission shall deal with the Department of Elections ~~administrative matters~~ solely through the Director, ~~Department~~ of Elections, or his or her designees; and any dictation, suggestions, or inference prohibited by the San Francisco Charter on the part of any Commission member shall constitute official misconduct; provided, however, nothing contained in this section shall restrict the Commission's powers of oversight of all public elections conducted by the department, hearing, and inquiry provided in the San Francisco Charter.

ARTICLE XI**COMMISSION ANNALS**

(Section "A" below is now renamed "Section 1")

~~A.~~ Each year, the Commission President shall cause to be bound the Commission Annals".

(Section "B" below is now renamed "Section 2")

~~B.~~ Such annals shall be divided into the following sections in a manner so that succeeding Commissions have ready access to the information contained therein:

- ~~i.~~ A. Budget for the year;
- ~~ii.~~ B. President's report;
- ~~iii.~~ C. Commission minutes
- ~~iv.~~ D. Other information the Commission deems significant and of assistance to subsequent Commissions.

(Section "C" below is now renamed "Section 3")

~~E.~~ It is the intent to preserve and pass on to successive Commissions relevant information so as to make more effective subsequent Commission tenures by providing institutional memory to assist in resolution of recurring Commission problems.

ARTICLE XII

ROBERT'S RULES

- ~~A.~~ At the President's discretion, unless the Charter or other law requires otherwise, meetings shall be governed by the most recent edition of Roberts Rules of Order Newly Revised.

ARTICLE XIII

BYLAW AMENDMENTS

- ~~A.~~ The Elections Commission may amend these Bylaws ~~By Laws~~ by majority vote of the full Commission after circulating the proposed amendments at least ten (10) days prior to the meeting where a motion to amend is to be made.

Adopted: June 6, 2002

Michael Mendelson, President

ARTICLE XIV

THE ELECTIONS COMMISSION OPERATIONS CALENDAR

- A. The Commission shall establish and maintain an Elections Commission Operation Calendar
 - B. Such calendar shall, on a monthly basis, state specifically the Commission's mandated activities for each month of the calendar year
 - C. The Commission President, the Commission Secretary, and the Director of Elections ~~Department Director~~ shall meet at a convenient time and place to create such calendar to ensure that such calendar coordinates effectively the Commission and Department's activities.
1. These individuals shall be designated the Calendar Committee and shall have all powers necessary to determine all relevant matters in the calendar's creation and maintenance.

1. ~~the calendar~~ it shall be available for dissemination to all parties who request ~~copies of the calendar~~ a copy of it.

ATTACHMENT – B

San Francisco Charter
APPENDICES
APPENDIX A EMPLOYMENT PROVISIONS*

**A8.420 ESTABLISHMENT OF AND MEMBERSHIP IN
HEALTH SERVICE SYSTEM**

A health service system is hereby established. Said system shall be administered by the human resources department subject to the approval of the health service board. The members of the system shall consist of all permanent employees, which shall include officers of the city and county, of the San Francisco Unified School District, and of the Parking Authority of the City and County of San Francisco and such other employees as may be determined by ordinance, subject to such conditions and qualifications as the board of supervisors may impose, and such employees as may be determined by collective bargaining agreement. Any employee who adheres to the faith or teachings of any recognized religious sect, denomination or organization and, in accordance with its creed, tenets or principles, depends for healing upon prayers in the practice of religion shall be exempt from the system upon filing annually with the human resources department an affidavit stating such adherence and dependence and disclaiming any benefits under the system. The human resources department shall have the power to exempt any person whose compensation exceeds the amount deemed sufficient for self coverage and any person who otherwise has provided for adequate medical care. Any claim or request for exemption denied by the human resources department may be appealed to the health services board.

ATTACHMENT A

SEC. 13.103.5. ELECTIONS COMMISSION.

An Elections Commission shall be established to oversee all public federal, state, district and municipal elections in the City and County. The Commission shall set general policies for the Department of Elections and shall be responsible for the proper administration of the general practices of the Department, subject to the budgetary and fiscal provisions of this Charter. These duties shall include but not be limited to approving written plans prior to each election, submitted by the Director of Elections, detailing the policies, procedures, and personnel that will be used to conduct the election as well as an assessment of how well the plan succeeded in carrying out a free, fair and functional election.

The Commission shall consist of seven members who shall serve five-year terms. No person appointed as a Commission member may serve as such for more than two successive five-year terms. Any person appointed as a Commission member to complete more than two and one half years of a five-year term shall be deemed, for the purpose of this section, to have served one full term. No person having served two successive five-year terms may serve as a Commission member until at least five years after the expiration of the second successive term in office. Any Commission member who resigns with less than two and one half years remaining until the expiration of the term shall be deemed, for the purposes of this section, to have served a full five-year term.

The Mayor, the Board of Supervisors, the City Attorney, the Public Defender, the District Attorney, the Treasurer, and the Board of Education of the San Francisco Unified School District each shall appoint one member of the Commission. The member appointed by the Mayor shall have a background in the electoral process. The member appointed by the City Attorney shall have a background in elections law. The member appointed by the Treasurer shall have a background in financial management. The members appointed by the District Attorney, Public Defender, the Board of Education of the San Francisco Unified School District, and the Board of Supervisors shall be broadly representative of the general public. In the event a vacancy occurs, the appointing authority who appointed the member vacating the office shall appoint a qualified person to complete the remainder of the term. All members initially appointed to the Election Commission shall take office on the first day of January, 2002.

The initial terms of Commission members shall expire according to the following guidelines: the term of the members appointed by the Mayor and the Board of Education of the San Francisco Unified School District shall expire on January 1, 2003; the term of the members appointed by the Board of Supervisors and the Treasurer shall expire on January 1 2004; the term of the member appointed by the City Attorney shall expire January 1, 2005; the term of the member appointed by the Public Defender shall expire January 1, 2006; and the term of the member appointed by the District Attorney shall expire January 1, 2007.

Members of the Commission shall serve without compensation. Members of the Commission shall be officers of the City and County, and may be removed by the appointing authority only pursuant to Section 15.105. During his or her tenure, neither a member nor an employee of the Commission may: hold any other public office or employment with the City, state or federal government, with a district governmental body, with the governing body of any political party, with any City, district, state or federal official, or with a member of the governing body of any political party; participate in contribute to, solicit contributions to publicly endorse or urge the endorsement of a campaign supporting or opposing a candidate for City, district, state or federal office appearing on the ballot in San Francisco, the governing body of any political party appearing on the ballot in San Francisco, or a City, regional or state ballot measure appearing on the ballot in San Francisco; be an officer, director or employee of or hold a policymaking position in an organization that makes political endorsements regarding candidates or ballot measures appearing on the ballot in San Francisco; be a registered lobbyist or campaign consultant as defined under the City's lobbyist or campaign consultant ordinances; or employ or be employed by, or receive any gifts or other compensation from, a person required to register as a lobbyist or campaign consultant under the City's lobbyist or campaign consultant ordinances, a person who employs someone required to register as a lobbyist or campaign consultant under the City's lobbyist or campaign consultant ordinances, or a person who is employed by or holds office in an organization that makes political endorsements regarding candidates or ballot measures appearing on the ballot in San Francisco. If a person appointed to the Elections Commission is, at the time of appointment, an officer, director or employee of or holds a policymaking position in an organization described herein, that person shall be eligible to serve on the Elections Commission only if he or she resigns from his or her office or employment with that organization within thirty days of appointment.

For the purpose of this Section, "district" shall mean an existing or proposed public entity whose area includes any portion of the City and County of San Francisco or whose candidates or measures appear on the ballot in San Francisco. This Section is not intended to prohibit a member or employee of the Commission from serving with the federal or state military reserves. (Added November 2001)

ATTACHMENT C

SEC. 13.104. DEPARTMENT OF ELECTIONS.

A Department of Elections shall be established to conduct all public federal, state, district and municipal elections in the City and County. The department shall be administered by the Director of Elections, who shall be vested with the day-to-day conduct and management of the Department and of voter registration and matters pertaining to elections in the City and County. The Director shall report to the Elections Commission.

For purposes of this section, the conduct of elections shall include, but not be limited to: voter registration; the nomination and filing process for candidates to City and County offices; the preparation and distribution of voter information materials; ballots, precinct operations and vote count; the prevention of fraud in such elections; and the recount of ballots in cases of challenge or fraud.

The Director shall be appointed by the Elections Commission from a list of qualified applicants provided pursuant to the civil service provisions of this Charter. The Director shall serve a five-year term, during which he or she may be removed by the Elections Commission for cause, upon written charges and following a hearing. The Elections Commission shall present the written charges to the Director no less than thirty days before the hearing. If the Elections Commission votes to remove the Director, he or she shall have the right to appeal to the Civil Service Commission. On appeal, the Civil Service Commission shall be limited to consideration of the record before the Elections Commission; however, the Civil Service Commission may independently evaluate and weigh evidence and may in its discretion consider evidence proffered to the Elections Commission that the Commission excluded and may in its discretion exclude evidence that the Elections Commission considered. The term of the Director shall expire five years after his or her appointment. No less than thirty days before the expiration of the Director's term, the Elections Commission shall appoint a Director for the next term, who may but need not be the incumbent Director. Subject to the civil service provisions of this Charter, the Director shall have the power to appoint and remove other employees of the Department of Elections.

In addition to any other conflict of interest provisions applicable to City employees, the Director of Elections and all other employees of the Department of Elections shall be subject to the conflict-of-interest provisions in Section 13.103.5. The Elections Commission, may upon the recommendation of the Director of Elections and a finding that the Department will not have adequate staffing to conduct an election, request from the Board of Supervisors a waiver of the conflict-of-interest provisions in Section 13.103.5 for employees working no more than thirty days in a single calendar year. The Board of Supervisors shall approve or deny such requests from the Elections Commission by motion. (Amended November 2001)



ELECTIONS COMMISSION
City and County of San Francisco

Richard P. Matthews, President
Sheila Chung, Vice President
Gerard Gleason
Jennifer Meek
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, May 3, 2006 at 7:00 pm
City Hall Room 421

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ORDER OF BUSINESS

APR 28 2006

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1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.

5. **Director's Report**

- Ballot Distribution
- Budget/Personnel
- Campaign Services
- Outreach
- Poll Locating/ADA
- Poll Worker Division
- Technology Division
- Voter Services
- Update on the Voting System
- The SOMA Election in May

6. **Commissioners' Reports**

- Meetings with public officials
- Meetings with nongovernmental organizations
- Oversight and Observation activities
- Long-range planning for Commission activities and areas of study

7. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.**

64-23-07P02:44 R:VD

8. New Business

- (a) Discussion and possible action to approve the minutes for the Commission meeting of April 19, 2006.
- (b) Budget and Policy Committee report regarding the Election Plan for the June 6, 2006, Consolidated Primary Election.
- (c) Discussion and possible action to approve the Election Plan for the June 6, 2006, Consolidated Primary Election.
- (d) Report by the Deputy City Attorney regarding whether the Elections Commission can write a letter to the Secretary of State regarding upgrading the conditional approval of existing Ranked Choice Voting equipment.
- (e) Discussion and possible action to send a letter to the Secretary of State regarding upgrading the conditional approval of existing Ranked Choice Voting equipment.

9. Discussion regarding items for future agendas**10. Public comment** on any issue within the Elections Commission's general jurisdiction.**11. ELECTION OF COMMISSION OFFICERS****12. Announcements****ADJOURNMENT**

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

City and County of San Francisco
Elections Commission
Approved: May 17, 2006
Minutes of the Meeting at City Hall Room 408
May 3, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:02 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Jennifer Meek and Michael Mendelson. Commissioner Sheila Chung joined the meeting at approximately 7:07 pm.
3. **Public Comment.** *Eileen Boken*, of the Sunset-Parkside Education & Action Committee, commented and read a letter written to Director John Arntz by Greg Wagner of the San Francisco Planning & Urban Research Association (SPUR). The letter concerned legislative text for Proposition D which Mr. Wagner said was missing from the Department of Elections public files.

Carl Carter and Ferris Gluck of Equalivote gave a demonstration of a non-electronic assistive voting device that is helpful for voters with visual and manual disabilities. They explained its operation and informed the Commission that it cost approximately \$3500 per unit.

3. **DIRECTOR'S REPORT.**

Ballot Distribution – This coming Monday, approximately 80,000 out of a total 120,000 Absentee ballots will be mailed. The remaining 40,000 will follow.

The South of Market District election – The election is being conducted today and ends at 8 pm this evening.

Budget /Personnel – The division is currently communicating with the Mayor's office in preparation for next year's fiscal budget. Additionally, the division is completing the paperwork for the temporary staff who are arriving for the June 6, 2006 election.

Campaign Services – The division has completed their Observer Guide for the June election. The guide will soon be on the DoE's website. The signatures-in-lieu workshop will be held the end of this month because June 2, 2006 is the start of the process for the November election. On May 17, 2006, there will be the Department of Elections' Open House from 3:30 pm until 5:30 PM, and a Pollworker class will begin immediately after the Open House for anyone interested in becoming a Pollworker. The Phone Bank has been operating for one week with Korean, Tagalog, Spanish, Russian, and Chinese (Mandarin and Cantonese) speaking operators.

The Secretary of State visited the DoE last Wednesday and participated in the introduction of the AutoMARK at a media event outside room 48 in City Hall. There were representatives from the Mayor's Office on Disability and the Lighthouse for the Blind. The hour-long event included a presentation on the new equipment by Charles MacNulty and representatives of Elections Systems and Software. The Secretary of State stayed after the demonstration period to answer questions from the media and people in the audience. The Director congratulated Deputy Director Linda Tulett for organizing the very successful event.

Outreach – The division has completed and mailed Public Service Announcements for television and radio to the various stations. Since the last Commission meeting, the division has attended six fairs and tabling events and conducted 37 presentations. Additionally, staff has manually distributed materials to three apartment complexes, a library and a community organization.

Poll Locating/ADA – The division had 117 inaccessible polling places in the November 2005 election, the number will be 59 for this June's election. One Hundred and Twenty new polling places had to be found to replace those that are not available for the coming election. The division is assisting in recruiting pollworkers as they search for sites and speak with potential site owners.

Pollworker Division - The Pollworker Manual has been completed and is on the website. All necessary FEDs (Field Election Deputies) have been recruited for June. Classes for the clerks will commence this Saturday.

Technology – The division has set up the early voting counter in front of the lobby for the Department. A secure website page is being readied for voters to send their California ID information to complete their registration. The troubleshooting database has been set up for June, the website has been updated and the rosters will be ready to go to the print vendor shortly.

Voter Services – The division will begin to administer early voting this coming Monday. Two statewide petitions were received yesterday, and staff has begun verifying signatures. Staff is preparing ballots for early voting and absentee ballots are still being mailed out to overseas voters (4000 so far mailed) and more requests are being received.

Voting System – All of the AutoMARKS have been received and acceptance testing completed. The audio files for these units are expected this week and will be reviewed. The three units that will be available for early voting will need to be tested before they are used on Monday.

Commissioner Chung asked the Director about the recruitment of High School students, who are often bilingual and have been instrumental in aiding the Department by working at the polls during elections. Director Arntz said that because this election is at the start of summer, high school and college students are not as available as they have been for elections at other times of the year. He said that there will be a "special push" to recruit students. Commissioner Chung said that she would be willing to help the Department contact students.

4. **Commissioners' Reports.**

Commissioner Townsend reported that he attended the media event mentioned by Director Arntz earlier and that it was outstanding and well organized. He said that the attendance by the media and press was high, as well as disabled voters. The Commissioner thanked Linda Tulett and John Arntz for the great job.

5. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.** President Matthews posed this question to the Director who responded that, at this time, he could not propose any action for the Commission.

6. New Business

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of April 19, 2006.** Commissioner Townsend MOVED and Commissioner Meek SECONDED approval of the minutes. Commissioner Gleason explained the additional language he wanted added to "New Business", item 5 (c) of the minutes regarding the letter proposed to the SoS for conditional approval of the equipment the City has used for its RCV. Commissioner Mendelson requested that the "Old Business" item (c), regarding the Bylaws amendments approvals show more detail regarding what the actual changes were.

ACTION: No action was taken as this item has been held over.

- (b) **Budget and Policy Committee report regarding the Election Plan for the June 6, 2006, Consolidated Primary Election.** Commissioner Gleason reported that all suggestions and amendments were forwarded to the Director's office and have been included in the current draft of the Election Plan.

- (c) **Discussion and possible action to approve the Election Plan for the June 6, 2006, Consolidated Primary Election.** *Commissioner Gleason* said that he would like the Election Plan to be clear regarding how the AutoMARK's ballots are processed. Those ballots will not be tabulated in the Eagle in the precinct. The AutoMARK ballots will be secured and tabulated later at City Hall.

President Matthews asked the Director his opinion of increasing the hand tally percentage. Director Arntz replied that the Logic and Accuracy that is done is very thorough, and has shown that the cards are being read properly. The tabulator for the AutoMARK ballots will be in City Hall, and if problems occur, then they can be quickly resolved. The Director said that for the June election, the Department will continue the one percent manual tally.

MOTION: To adopt the Election Plan with the following changes: Additional explanation of how AutoMARK ballots are not tabulated at precincts (page 2); Deadline for Certification of Election changed from July 4th (holiday) to actual date (page 6); Addresses of uplink sites included (page 9); and the "N" in the word "Not" to be underlined like the rest of the word in heading (page 12). Roll Call Vote was UNANIMOUS.

- (d) **Report by the Deputy City Attorney regarding whether the Elections Commission can write a letter to the Secretary of State regarding upgrading the conditional approval of existing Ranked Choice Voting equipment.**

Deputy City Attorney Miguel Marquez reported that he researched the applicable SF Charter provisions and the answer is "yes". the Commission can write a letter if a majority of the Commission members approves the substance of the letter. The Commission can generally write letters regarding matters within its jurisdiction, with one restriction. The restriction is that items that are about State legislative matters are to go to the City's State Legislation Committee. The City wants to "speak with one voice" and has thus created that committee.

Public Comment. *David Pipel* cautioned the Commission from communicating with the SoS on a matter already being handled by the Director.

(e) **Discussion and possible action for the Elections Commission to send a letter to the Secretary of State of California asking that the “conditional approval” of the ES&S Ranked-Choice Voting system equipment.** *President Matthews* called the Commission’s attention to the latest draft letter that was shorter and varied in some ways from the letter before the Commission at the previous meeting.

Commissioner Gleason said that he has now read the 72-page transcript of the Voting Systems Panel, and realizes that he should have asked earlier if the Director wanted to join in sending the letter. Additionally, he said he now wants to strike the reference of “year-to-year certification” from his draft letter.

Director Arntz said that the current RCV system that the Department has used is not “necessarily the one we want approved”. He said that the conditional certification issue is not one that needs to be focused upon.

Commissioner Gleason asked the Director for his opinion of the result if the Commission sends its letter. Mr. Arntz responded that for the upcoming November election, the Department wants to use the AutoMARK and the Eagle machines together, requiring certification for their integrated use. This is different from conditions imposed on the Eagles for RCV voting. Additionally, the City will probably not continue to use the Eagle in the foreseeable future. There will most likely be a new system for the 2007 election. He said that seeking unconditional certification for the Eagle of November 2006 “misses the mark”.

Commissioner Townsend suggested that Commissioner Gleason and Director Arntz get together to decide how to best approach the certification issue to get the permanent result needed for RCV as quickly as possible. He suggested that the Director speak with the Secretary of State to determine how San Francisco can get a “special track”, through the process to get certification, since San Francisco is the only city using RCV.

Commissioner Gleason asked Director Arntz to explain the current system to be used in November. Mr. Arntz said that the Optech III P (the current RCV equipment) must be sanctioned by the SoS. Commissioner Gleason asked what the time frame for this would be. Mr. Arntz said that ES&S plans to get information to the SoS prior to the June 2006 election. Certification will probably take three weeks. However, testing may be involved and approval for the AutoMARK’s use with the Eagles might take longer.

Commissioner Chung suggested that the Commission and the Director do a joint letter to the SoS. Director Arntz replied that he did not want to do so. He said that he feels confident in the SoS’s process for review, and therefore the Department doesn’t need to contact that office.

Commissioner Gleason asked the Director whether the Optech III P Eagle’s future in California is ending. Director Arntz said that no California counties are interested in using this equipment.

Public Comment. *Steven Hill* said that he had spoken to the SoS's office and that the proposed letter or a similar one would be very welcomed. *Christopher Jerdonek* said that he saw no negative concerns that warranted not sending the letter, and encouraged the Commission to send it.

Commissioner Chung said that she was in favor of sending the letter.

ACTION: Commissioner Gleason to get more information and bring this item back in two weeks.

7. **Discussion regarding items for future agendas.** *Commissioner Chung* requested a speaker regarding the Voting Rights Act and certification for next year. *Commissioner Gleason* asked if the Commission Secretary could get Susan Lapsky from the Secretary of State's office to participate in a Q & A regarding Voting Rights and certification. *Commissioner Meek* requested a contingency plan be added to the Election Plan to show what the Department plans to do in the event that the equipment fails. In addition, the Commissioner asked that the Election Plan be put on the Department's website. *Commissioner Matthews* suggested that this item go to the new Budget and Oversight of Public Elections Committee.

8. **Public Comment.** *Eileen Boken*, of the Sunset-Parkside Education & Action Committee, read a letter she said was written by Director John Arntz in response to the letter by Greg Wagner of the San Francisco Planning & Urban Research Association (SPUR). *Christopher Jerdonek* asked if the public could be added to the media mailing list of Press Releases. *Steven Hill* said that the Commission and the Department should not necessarily speak with "one voice" because they are separate and that the Charter created the Commission to be separate.

Commissioner Meek said that she would like to see an email list of politically active organizations or people to whom to send press releases.

9. **ELECTION OF COMMISSION OFFICERS.** President Matthews explained that this election was for officers who would be serving from the close of this meeting until January 2007 when officeholders will be chosen to serve for one year. Commissioner Gleason nominated Richard P. Matthews for President. There were no further nominations. A Roll Call Vote was unanimous. Richard P. Matthews was elected President of the Elections Commission. Commissioner Sheila Chung nominated Jennifer Meek for Vice President. There were no further nominations. A Roll Call Vote was unanimous. Jennifer Meek was elected Vice President of the Elections Commission.

10. **Announcements.** President Matthews announced that the next Commission Meeting would be held Wednesday, May 17, 2006, but the first meeting in June, would be cancelled (Wednesday, June 7, 2006).

ADJOURNMENT at 8:18 pm.

ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Jennifer Meek, Vice President
Sheila Chung
Gerard Gleason
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, May 17, 2006 at 7:00 pm
City Hall Room 408

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MAY 11 2006

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ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Director's Report**
- Ballot Distribution
 - Budget/Personnel
 - Campaign Services
 - Outreach
 - Poll Locating/ADA
 - Poll Worker Division
 - Technology Division
 - Voter Services
 - Update on the Voting System
 - The SOMA Election in May
6. **Commissioners' Reports**
- Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
7. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.**

05-11-07P12:32 RCVD

8. New Business

- (a) Discussion and possible action to approve the minutes for the Commission meeting of April 19, 2006 (with Amendments to Bylaws attached) and minutes for the meeting of May 3, 2006.
- (b) Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees to work on the June 6, 2006 Consolidated Primary Election.
- (c) Discussion and possible action to send a letter to the Secretary of State and/or voting system vendor regarding upgrading the conditional approval of existing Ranked Choice Voting equipment. (Commissioner Gleason)
- (d) Discussion and possible action to make a presentation to the Mayor's Office and the Board of Supervisors to explain what happens in the Department and how voters are affected/inconvenienced by budget cutbacks. (Commissioner Townsend)

9. Discussion regarding items for future agendas

10. **Public comment** on any issue within the Elections Commission's general jurisdiction.

12. **Announcements**

ADJOURNMENT

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City and County of San Francisco
Elections Commission
Approved: June 21, 2006
Minutes of the Meeting at City Hall Room 408
May 17, 2006

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1. **CALL TO ORDER.** At 7:16 pm, President Richard P. Matthews called the meeting to order but announced that this was not an official meeting because there was no quorum.
2. **ROLL CALL.** Present were Commissioners Matthews, Meek, Gleason, Director Arntz and Deputy City Attorney Marquez.
3. President Matthews made these Announcements:
 - a. There will not be a regular meeting on the first Wednesday of June because the previous day will be Election Day. The next meeting of the Elections Commission will be June 21, 2006.
 - b. There is a reassignment of Committee members: The Budget and Oversight of Public Elections Committee will still be chaired by Commissioner Gleason, the new Vice Chair is Jennifer Meek, and Commissioner Matthews will continue to serve as the third member.
4. **Public Comment:**

Jessica Cole urged the Commission to ban the use of the Diebold TSX Voting Machines in San Francisco. She said they were not safe for use in elections despite recertification by Secretary of State McPherson. Ms. Cole said she wanted open source technology for San Francisco's voting machines.

Chris Jerdonek asked if the Department was going to create an email list of members of the public who wanted to receive notifications of changes and events on the Department's website. He asked if this could be put on the next Commission agenda.

Adjournment was at 7:22 pm.

Meeting was reconvened at 7:26 pm when Commissioner Arnold Townsend arrived.

ROLL CALL. Present are: Matthews, Meek, Townsend, and Gleason.

President Matthews announced that the Commission would address only one item - 8(b). **Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees to work on the June**

6, 2006 Consolidated Primary Election. Commissioner Gleason MOVED that the Commission send a request to the Board of Supervisors saying that the Commission reviewed the memo as presented by the Director of Elections listing the number of employees that the Department is requesting. The Commission requests that the Department get a waiver to allow a certain number of City employees to work on the June 6, 2006 Primary Election. SECONDED by Commissioner Townsend. Roll Call Vote: Matthews-yes; Meek-yes; Gleason-yes; Townsend-yes. The Roll Call Vote was UNANIMOUS.

President Matthews asked Acting Commission Secretary Beth Lipski to forward promptly to the Board of Supervisors a letter letting them know of the Commission's waiver request and the Commission's unanimous vote.

Final Adjournment was at 7:31 pm.



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The Elections Commission

June 07, 2006 - CANCELLED

The Wednesday, June 7, 2006 meeting of the

Elections Commission

is CANCELLED

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The next regular meeting is Wednesday, June 21, 2006, at 7:00 pm in City Hall,
Room 408



ELECTIONS COMMISSION
City and County of San Francisco

Richard P. Matthews, President
Jennifer Meek, Vice President
Sheila Chung
Gerard Gleason
Victor Hwang
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, June 21, 2006 at 7:00 pm
City Hall Room 408

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ORDER OF BUSINESS

JUN 15 2006

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1. **CALL TO ORDER**
2. **Introduction of new Commission Member, Victor Hwang**
3. **ROLL CALL**
4. **FLAG SALUTE**
5. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
6. **Presentation by speaker on update of the status of the Voting Rights Act renewal pending in the U. S. Congress.**
7. **Director's Report**
 - June 6, 2006 Election
 - Update on Voting System
 - Preparation for November 7, 2006
8. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study

9. **Commissioners' Reports of their activities and observations of election held June 6, 2006.**
10. **Discussion and possible action concerning what the Commission can do to ensure that the Department's budget is adequate.**
11. **New Business**
 - (a) **Discussion and possible action to approve the minutes for the Commission meeting of April 19, 2006 (with Amendments to Bylaws attached) and minutes for the meetings of May 3, 2006 and May 17, 2006.**
 - (b) **Discussion and possible ratification of the request to the Board of Supervisors for a waiver allowing certain City employees to work on the June 6, 2006 Consolidated Primary Election. This item was initially approved at the meeting held on May 17, 2006.**
 - (c) **Discussion and possible action to send a letter to the Secretary of State and/or voting system vendor regarding upgrading the conditional approval of existing Ranked Choice Voting equipment. (Commissioner Gleason)**
 - (d) **Discussion of the mailing of the Voter Information Pamphlet.**
12. **Discussion regarding items for future agendas**
13. **Public comment** on any issue within the Elections Commission's general jurisdiction.
14. **Announcements**

ADJOURNMENT

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City and County of San Francisco
Elections Commission
Approved: July 19, 2006
Minutes of the Meeting at City Hall Room 408
June 21, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:04 pm.

President Richard P. Matthews welcomed new Commissioner Victor Hwang, appointee of the Public Defender. Commissioner Hwang introduced himself and briefly described his background. He said he has been a public interest attorney for 14 years, and works for Asian Pacific Islander Legal Outreach, in the areas of domestic violence, human trafficking and immigration work. His experience, in elections, has been work regarding redistricting and polling place compliance issues.

2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Jennifer Meek, Sheila Chung, Michael Mendelson and Victor Hwang.
3. **Public Comment.** *David Pilpel* welcomed the new Commissioner and acknowledged the past work of Commissioner Sheila Chung who will be leaving the Commission.
4. **DIRECTOR'S REPORT.**

June 6, 2006 Election – The Director reported that, “generally, the election went well.” One of the major concerns had been having sufficient pollworkers. The introduction of the AutoMark voting machine was another concern. There wasn’t sufficient time to load the Cantonese language software into the AutoMarks. One problem early on Election Day was Automark ballots were being placed in the Eagle machines. This caused the Eagles to jam. Technicians were called to correct the problems. Currently the turnout of voters is reported to have been 38 percent.

One problem with formatting the VIP (Voter’s Information Pamphlet) was that the vendor had problems with the Chinese letters. This caused a five to six day delay in completion of the guide, because a sample ballot has to go into the VIP before it is mailed. There were also delays due to problems getting the AutoMark ballot formatted.

Director Arntz explained that for a primary election, the VIPs had to be in the mail no later than ten days before the election. The Department met that deadline.

President Matthews agreed that the election went well. He asked if the deadline for mailing VIPs for this election also followed the guidelines of the City’s Municipal Elections Code.

Mr. Arntz replied that since this was a state primary, it is the state’s election code that would be followed.

Update on Voting System - The Director said that the Department was not prepared for the AutoMark vendor’s lack of support. There were no complaints of the AutoMark incorrectly marking ballots on election day. The pollworkers were trained to inform all voters that the AutoMark was available for their use; however, it appears that conveying

this information to the voters was not done consistently. There were 158 ballot styles for the Eagle machines, 158 ballot styles for the AutoMark, 158 ballot styles for the AutoMark audio files in Spanish, English and Mandarin. This was a huge increase in the workload to implement the AutoMark in San Francisco. HAVA (Help America Vote Act) funds were used to purchase the AutoMarks. The City and County of San Francisco did not pay for the election; it was paid for by State and Federal grants.

President Matthews said that a number of the ballot cards for the AutoMarks were hand-marked. He asked if there was a tally of the number of voters who did so. The Director responded that such a tally will be made and reminded the Commission that all of these votes are counted. During the canvass, after an election, every single ballot is accounted for by hand at City Hall.

President Matthews congratulated the Department for its “extra layer of accuracy” that is provided by the canvassing. He explained that even the wrong ballot card, used the wrong way, put into the wrong machine, is detected and counted within the 30 day time limit. The Director reminded the Commission that San Francisco has the most thorough canvas of all the counties in the state and is a model for other counties.

Commissioner Chung referred to the Director’s comments during his report for this meeting regarding the newly released “Staffing and Planning Issues at the San Francisco Elections Department Special Report” produced by the City Services Auditor and praised Commissioner Townsend’s suggestion of an on-line virtual tour of the activities of DoE staff before and during an election. She said that this tool would be helpful to the Commission in explaining staffing needs to the Mayor, Board of Supervisors, and Controller when the Department advocates for a strong budget.

Preparation for November 7, 2006 Election – The Director reported that he spoke to representatives of ES&S yesterday and was advised that an application is ready and will be sent to the Secretary of State (SoS) after the first of the month. Mr. Arntz said there would be two challenges for the November election: getting the Eagle machines re-certified for Ranked Choice Voting (RCV), and having the AutoMark machines certified to work with the Eagles and with RCV. There will be improvements in training of the workers for the next election and in getting the vendors to prepare materials earlier. The contracts for November are almost completed, and staffing does not appear to be an issue for that election. The concern is for staffing for the period between January 2007 and July 2007 when the planning for the next three elections commences.

President Matthews asked the Director to let the Commission know what it can do to assist the Department in certification of the AutoMark and Eagle voting machines. Director Arntz asked that the Commission send out letters to the vendor and to the SoS. *President Matthews* asked if the Department plans to re-make AutoMark ballots onto the regular op-tech cards and then counting the ballots since these AutoMark ballots have been few, instead of having a counting system just for the AutoMark? Director Arntz answered that if automating the counting of the ballots can be done, it would be one less step that the Department has to take to conduct the election.

Public Comment – *David Pilpel* said that acquisition of the AutoMarks was not a good choice for San Francisco because it was \$3.5 million for equipment of marginal benefit compared to what the City could have had for substantially more –replacing the entire

system with touch screen DRE equipment with the paper trail. *Chris Jerdonek* said that the VIP (Voters Information Pamphlet) was mailed later than required by the San Francisco Charter and the Municipal Code.

5. **Presentation by speaker on update of the status of the Voting Rights Act renewal pending in the U. S. Congress.** Commissioner Sheila Chung gave background to this Act and introduced Robert Rubin, legal director at The Lawyers Committee on Civil Rights for the San Francisco Bay Area. Mr. Rubin explained that his organization has been active in this cause for years. One example was the blocking of the efforts by the Governor to stop implementation of the motor voter law, The National Voter Registration Act, which has led to tens of millions of new voters. Mr. Rubin reported that the House of Representatives had, just hours ago, refused to take up a vote on renewal of the Voting Rights Act. It was last renewed in 1982. The objections seem to be principally around minority language rights. The Senate, he said, was prepared to vote on reauthorization next week; however, after the House vote, the issue is uncertain. There are two principal provisions up for renewal: Section 5 which requires pre-clearance of certain jurisdictions which was intended to shift the burden of inertia from the victim of discrimination to the perpetrator of the discrimination, and Section 203 which is the minority language provision. Mr. Rubin suggested that the Director and the Commission let the Congress know that providing materials in languages other than English does not “break” the system, but enhances it. He suggested that letters be sent to Speaker of the House Dennis Hastert.

Commissioner Townsend asked what would be the next step. Mr. Rubin replied that he wasn't sure, but that there has been a request to delay the vote. Commissioner Chung requested that an item be placed on the Commission's next agenda that would create a letter from the Department, Commission or lobbyist addressed to the Speaker

Public Comment - *Jim Soper* said that the voting rights problem was not only a problem of the deep south. He said that in this year 43% of new registrants in Los Angeles have had their applications rejected.

6. **Commissioners' Reports** – President Matthews reported that on June 15 he attended the swearing in and reception the Public Defender held for the newest appointee to the Election Commission, Victor Hwang. On June 14, the President met with the City Editor, Managing Editor and a reporter from the Examiner newspaper regarding an article written about an elections inspector who didn't show up at the polls on time, but the article included a reference to the five-year-old story of “box tops in the bay”. The Commissioner said that he requested the meeting to ask how the two stories were related, how an activity involving what is done at the beginning of election day is related to one at the end of the day at a different part of the process, and five years apart. The Examiner staff, he said, didn't really have an answer to that question other than it shows a continuation of poor ballot handling. The President then explained to the Examiner staff that box tops have no relationship to “ballot handling”, but were, at that point in the evening, just another office supply. The Commissioner has been invited to place an op-ed piece in the newspaper on any topic it wishes. President Matthews suggested that the Commission do so closer to the next election, and maybe talk about the need for volunteers or some topic of interest to the public. President Matthews also reported that today he was made aware of a proposal by Supervisor McGoldrick to amend the Charter to move the City officer races that currently occur in odd years to even years. A representative of the supervisor's office said that voter turnout in odd years is low and that moving the races to even years would increase voter participation. The McGoldrick office is offering to make a presentation to the Commission to further explain why this is a good idea

Commissioner Chung announced that she was stepping down from her seat on the Election Commission effective this meeting. She cited her increasing involvement in immigrant rights and personal reasons for this decision. The Commissioner thanked the members for the opportunity to work with them, the public and the Department. She praised the Department staff with whom she has worked during her training to volunteer on the election day phone bank and to work as a Field Election Deputy (FED).

Public Comment – *David Pilpel* said that he was opposed to the McGoldrick proposal to change the years in which elections are held. Mr. Pilpel added that should the proposal succeed, he foresees more Special Elections being held.

7. Commissioners' Report of their activities and observations of the election held June 6, 2006.

Commissioner Mendelson reported that he observed his precinct and "that it went well". He said he spent the night at this site.

Commissioner Townsend reported that he observed the activities at the Department during the election. He also visited four polling places including one on Fulton at Fillmore because he was interested in getting feedback on the use of the AutoMark voting machines. No one had used the AutoMark when he visited and this included the Fulton/Fillmore polling place that was located in a senior citizen/disabled residence. The Commissioner said that some of the workers at the Fillmore Center location told him that they felt that they were not sufficiently trained regarding the differences between the Eagle ballots and the AutoMark ballots, and that these two ballot types could not be exchanged for one another. He said that the complaints coming in to Election Central were higher in the early morning and lessened during the day and evening. He said that there will be glitches, but that "all in all, the Department did a great job".

Commissioner Sheila Chung reported that she worked as a FED (this required two full-days of training plus 20 hours on election day beginning with waking up at about 3:00 am. For this election, her precincts were increased by two to make eleven. She was in the Mission/Potrero Hill area. The Commissioner said that one of the most difficult jobs that pollworkers had was to explain to voters who were registered as "declined to state", what the voting options were. The best way to explain this to the voter was to show them the different types of ballot cards they could use and allowing them to make their selection. In the morning there was some confusion regarding which ballot types were for use in the AutoMark. The Commissioner said that the AutoMark sometimes had a technical glitch by not recognizing the ballot. She recommended that the FEDs and pollworkers be given the different ballot types during training so that they will have hands-on experience with the real ballots.

Commissioner Chung reported that she spoke to a disabled voter who said that she was "thrilled to now be able to vote for the first time by herself" with the AutoMark. The Commissioner encouraged High School student ride-a-longs with the FEDs on election day encourage the students leadership development to be long term pollworkers and eventually be FEDs. She suggested that FEDs also attend the Inspector training to learn the closing procedures, because they are often called upon to assist the Inspectors in closing the polls. Other suggestions were that the FEDs be given street index maps, and that there be more Russian bi-lingual materials, even in the areas where she worked, those materials would have been helpful. Finally, Commissioner Chung thanked Efrem, George, Raj and the rest of

the staff for their good work.

Commissioner Gleason reported that he had a written report that would be given to the other members. He said that the DoE has consistently put together a terrific system to organize, manage and support elections. He described the pollworker training he attended as "fantastic". For this election, the Commissioner was an inspector and said that fifty per cent of the pollworkers for his precinct did not show up for work. He had to open his polling place with one sixteen year old high school student. Commissioner Gleason said that he feels the quality of pollworkers needs to improve. ***This Commissioners' written comments are attached to these minutes.***

At 8:30 pm Commissioner Michael Mendelson left the meeting.

Commissioner Hwang said that although this election happened before his appointment, he was concerned regarding the lateness of his receiving his Chinese Bi-lingual VIP. He received it the Saturday before election day. He visited two poll sites, and was taken with the diversity of the pollworkers (four to five) at each site. He said the diversity of races, and age of these workers made for a welcoming environment at the polling place. Previously, at an earlier election, the Commissioner recounted that if he had not voted all the selections on his ballot, the poll workers would ask if it had been his intention not to vote the entire ballot; this time this didn't happen. The Commissioner said that he appreciated the confidentiality of not being asked this question.

Commissioner Meek said that overall, she felt the election went well. Her concern was that the VIPs should be sent out as early as possible, especially to absentee voters. Commissioner Meek worked as an Inspector during this election, and felt that her training was adequate; however, her pollworkers were not as informed as they should have been. She said that she was in agreement with Commissioner Gleason that the quality of pollworkers needs to improve from wanting to earn \$86.00 for the day to really caring that every vote is counted. Improving the selection process is a real challenge because so few citizens volunteer for this work. The high school students are terrific pollworkers, Commissioner Meek explained, and that program needs to continue. She suggested workers need to arrive at the precincts one and a half hours early, for primaries, to allow more time to set up. The Commissioner reported that she was rushed to set up for the 7:00 am opening even though she arrived at 6:00 am. She found it necessary to explain to her pollworkers about the ballot information, why the ballots had to be laid out in a certain format. After the morning, the rest of the day went smoothly, except for the voters who "declined to state", and therefore had to request their ballots.

Commissioner Matthews said that on June 1st, he sat in on the new inspectors training which was excellent. He praised the training manual with its photographs of the AutoMark and said that the training materials get better with each election. The Commissioner said he observed the canvassing on June 9, 12, 14 and 20, the staff and supervisors of the canvassing do excellent work going through every single card of every precinct. He praised the Department for doing this extra layer of accuracy and security. The Commissioner said that he has been studying the complaint log and emails from aggrieved voters and the DoE's responses. Most of the complaints fall into the "user error" department; that is, voters not following directions to turn their ballots over to vote the back of the ballot card. He acknowledged the lateness of the mailing of the VIPs and said that this problem was due to the change in plans for the voting system, and is unlikely to be repeated in the future. He asked the Director to provide

breakdown of the provisional ballots by cause and which were accepted and which were rejected within the next few weeks.

The Commissioner asked the Director if he had a ballpark figure of how many provisional ballots were cast in the election. Director Arntz replied that the number was approximately 5,500.

Public Comment – *Jim Soper* said that he observed the voting in Alameda County which went slowly because the paper ballots were being read by 60, rented, scanners in a central location. *Chris Jerdonek* said that he was a first-time inspector for the election and that training could be improved by letting pollworkers know why some of the procedures are done. Two examples he gave were that some pollworkers “pre-tore” some of the ballots, they didn’t understand why they shouldn’t do this, and towards the end of the day, workers began to sign their seals for the equipment in advance. Additionally, Mr. Jerdonek suggested that more wording be added to the provisional ballot envelope to include that the ballot will be counted for those contests the voter is eligible to vote. *Jennifer Hammond* congratulated the Department and Commission on “getting through the primary” and relayed comments the person for whom she works was purported to have said. *David Pilpel* said that if the provisional count for this election was 5500, then that is low compared to the previous election.

8. **Discussion and possible action concerning what the Commission can do to ensure that the Department’s budget is adequate.** Director Arntz reported that the first draft of the Controller’s Audit Report came out June 14. The Department is putting together a response to the report to present in one to two days. The audit report combines all of the year-round permanent provisional staff with the year-round temporary staff to make a total of 36 people. This is the DoE’s permanent base. When the report suggests cutting or reducing the temporary positions, it is cutting the positions that they added in the Department’s permanent staffing number. When compared to other counties, the Director said, San Francisco’s Elections Department does more with less workers than other counties. The Director asked each Commissioner to call each member of the Budget Committee of the Board of Supervisors and lobby for the DoE’s budget and staffing. Commissioners should remind the Board that the Department has had these temporary people on staff for the last four years and the Department has run very well for that time, so why are they being taken away now? How do we do our work without them? How can the Department meet its legal obligations with less staffing? By making these cuts, the Department is prevented from performing its core functions.

President Matthews asked the Director what was the DoE’s total budget request. Mr. Arntz replied that it was \$11M, which includes payment to the vendor for the November 2006 election, equipment, supplies and personnel.

Commissioner Hwang asked the Director for some talking points to stress the consequences of losing staff to members of the Board. The Director said that there are documents that he can send to the Commission.

President Matthews then asked about the status of the Commission Secretary. Director Arntz reported that the Controller’s Report indicated that the position be half-time, but he met with the Budget Analyst and it is now at three-quarters time. President Matthews appointed Commissioners Gleason and Mendelson to work on a document to verify the Commission Secretary’s full-time status.

Commissioner Townsend reminded the members that with a part-time Commission Secretary there would be certain hours of the day when citizens would not be able to get information about the Commission, because the secretary would not be on duty.

Public Comment. *David Pilpel* said that the full Controller's report was now posted on the City's website. Mr. Pilpel said that he was displeased that that office has "little or no underlying analysis behind their recommendation. It is as if they decided what the answer was and then put some facts together to support it." Additionally, he said that it appears that the Budget Analyst is deferring his responsibility to the Controller's office for analysis of the DoE's staffing and that this is unusual.

9. New Business

- (a) **Discussion and possible action to approve the minutes for the Commission meeting of April 19, 2006 (with Amendments to Bylaws attached) and minutes for the meetings of May 3, 2006 and May 17, 2006.** Commissioner Sheila Chung MOVED and Commissioner Arnold Townsend SECONDED approval of the minutes. The Roll Call Vote was UNANIMOUS for approval of the minutes of these meetings.

- (b) **Discussion and possible ratification of the request to the Board of Supervisors for a waiver allowing certain City employees to work on the June 6, 2006 Consolidated Primary Election. This item was initially approved at the meeting held on May 17, 2006.** Commissioner Arnold Townsend MOVED and Commissioner Jennifer Meek SECONDED the ratification of a waiver to allow certain City employees to work on the June 6, 2006 Consolidated Primary Election.

Public Comment. *Jim Soper* said that this was a good idea because Alameda County does this as well for its elections and their operation is very efficient. *David Pilpel* said that given the President's explanation of why this item was on the agenda for ratification, approval at this time is appropriate.

The Roll Call Vote was UNANIMOUS for approval to ratify.

- (c) **Discussion and possible action to send a letter to the Secretary of State and/or voting system vendor regarding upgrading the conditional approval of existing Ranked Choice Voting equipment. (Commissioner Gleason)** Commissioner Gleason reported that he had discussed this item with the Director and has drafted a letter similar to the one in the packet for this meeting, asking the vendor to do whatever necessary for the equipment approval.

President Matthews asked the Deputy City Attorney if the letter to the vendor was substantially similar to the one before the Commission at this meeting, could it be approved to send to the Secretary of State and to the vendor. Deputy City Attorney Miguel Marquez agreed that the letters could be sent, as long as the Commission is clear what is in the letter.

Commissioner Gleason MOVED and Commissioner Meek SECONDED that the two letters be sent.

Public Comment. *Jim Soper* asked if Sequoia was at all involved in this item. President Matthews replied that he did not think that was the case. *David Pilpel* expressed his concern whether the Commission should send letters to the Secretary of State. He reminded the Commission that it has no relationship with the vendor.

The Roll Call Vote was UNANIMOUS for approval to send the letters.

- (d) **Discussion of the mailing of the Voter Information Pamphlet.** President Matthews said that the earlier discussion of this item satisfied his concerns and asked if other members of the Commission had more questions.

Commissioner Townsend said that he was satisfied with the answered given by Director Arntz, especially considering the issues with the vendor. He said the problems appear to have been an anomaly.

Commissioner Meek said that she agreed with Commissioner Townsend, but that the law should be met regarding timelines for sending out the VIPs. She said that they should be sent out sooner, if possible, to absentee voters.

Director Arntz responded that the VIP is online much earlier than when it is mailed because it is easy to make it electronically available. This availability, several weeks before the printed version was delivered, had not been mentioned earlier.

Commissioner Gleason asked the Deputy City Attorney for an answer to the question regarding whether City codes are trumped by State codes as they relate to the mailing of the VIP.

Deputy City Attorney Márquez said that for this election the Municipal Elections Code does apply as does the Charter, and they trump state law if there is any inconsistency. For example, if you look at the Charter requirement, which is 13.107, it says that the VIP shall be mailed to each elector so as to be received at least ten days prior to each general, runoff, or special municipal election. This election was neither. So that **does not** apply. Then, if you look at the Municipal Elections Code and it states the VIP shall be mailed to each registered San Francisco voter at least 21 days prior to each general or special municipal election. Again, neither one of those apply, so those deadlines **are not applicable**. Then you look at State law. State Law 13300 of the Elections Code states that it has to be mailed by ten days. Deputy City Attorney Marquez said that he believed that was the legal standard under which the Department operated under this election.

Public Comment. *David Pilpel* said that it is no simple task to get 400,000 plus VIPs of 15 various ballot types out to the entire voting population given the deadlines for candidates, for ballot arguments, for public review, for challenges, for ballot typing, and the actual sample ballots to be included.

13. **Public Comment** on any issue within the Elections Commission's general jurisdiction. *Jim Soper* said that Alameda County opted to buy 1000 Sequoia touch screens and a new system. The clause in that contract says that should the state law require open source, software for these machines will be provided.
14. **Announcements.** Commissioners Townsend, Matthews, Gleason, Hwang, and Meek, along with Secretary Shirley Rodriques, all praised Commissioner Chung and expressed that they would miss her.

ADJOURNMENT at 9:44 pm

ATTACHMENT:

To: Election Commissioners
cc: John Arntz, Director of Elections
cc: Miguel Marquez, Deputy City Attorney

From: Commissioner Gleason

Subject: Observations of June 6, 2006 Consolidated Primary Election

This memorandum details my observations of the June 6, 2006 Consolidated Primary Election conducted by the Department of Elections. In order to save time, I will forego verbally reporting these observations in detail at the regularly scheduled meeting of the Elections Commission on June 21, 2006. Therefore, I ask that this memorandum and attachments be added to the minutes of that meeting. Thank you.

General Observations

Overall, I believe the Department of Elections did an excellent job in preparing for and conducting the election based on the portions of the operations I came into contact with. Pollworker Training continues to be a high quality program, well organized and conducted by excellent staff members. Precinct supplies and materials are well organized, plentiful and ready. Ballot distribution has clear paperwork trails. Election Day support is readily available and very responsive. Cooperation from other city agencies such as the Sheriffs Department as well as Parking & Traffic is extremely helpful.

The Department's operations appear to be consistently improving upon previous successes. The Department's focus on delivering customer service is noticeable.

Some areas to focus on, such as the delivery of voter material are noted below. The staffing of precincts by pollworkers was more difficult this election, no doubt due to the new time of year for the primary election, and should continue to be a focus for improvement by the Department.

Finally, we should all be aware that elections in general are under increased public scrutiny since November 2000. The Department of Elections and the Elections Commission should strive to meet this challenge.

Pollworker Training

I attended the Department's Pollworker Training class on Thursday June 1. The class was for Experienced Precinct Inspectors and was attended by approximately 30 people who have had previous experience as Election Day Precinct Inspectors. As has been the case in the past, the Experienced Inspector class went smoothly and because the attendees have attended similar training numerous times, the DOE staff conducting the training needed only a limited amount of time to refresh everyone on basic procedures.

Most of the training program focused on the Primary Election procedures and the correct issuing of party specific ballots.

Among noteworthy observations of the Pollworker Training class:

- The pollworker training class was conducted by Kelly Hines and Raj Neogy who did a very thorough and professional job of conducting the class and explaining procedures.

- The Department Training program had organized mock ballot card sets and conducted scenario drills to explain, what for many people, is the complicated primary election operations using different partisan ballots. On top of it being instructional, it kept things fresh and engaged attendees to demonstrate that they understood which ballots to issue and under what circumstances.
- DOE training staff emphasized issues of fairness such as keeping the party ballots alphabetized on the ballot issuing tables at the precincts. They also stated that pollworkers should only remove ballots from the pads of ballots in the presents of a voter who has signed the roster.
- DOE training staff explained the process of issuing nonpartisan ballots and the proper issuing of party specific requested ballots to voters registered as "Decline to State" (DTS). Training staff made clear that such registered voters must make the request for a party specific DTS ballot and that the pollworkers were not to lead voters in the decision. Further, training staff made specific mention of SB 28, which authorized the Open-Modified Primary Election and directing voters with questions about the procedure to the information card on the Open-Modified Primary Election that was to be on every ballot-issuing table at the precincts.
- There was some limited hands-on training with the new AutoMARK devices, however it seemed that any very extensive questions or complicated assistance required by a voter using the AutoMARK might not have been properly addressed by a pollworker receiving such limited instruction. On the other hand, pollworkers had already attended 3 hours of pollworker training class and any further investment of time may have been excessive.

Precinct Ballot Pickup

After Pollworker Training class, I went to pick up the ballots I would need at my precinct on June 6. The ballot pickup station at 240 Van Ness was professional, organized and fast. I was able to pick up the ballots and supplies I needed within minutes and the process involved complete and accurate paperwork trails.

Election Day

I was the Polling Place Inspector at Precinct 2213 located in SFUSD offices at the former John Geary School site at 20 Cook Street in the Laurel Heights neighborhood. I had previously been the Inspector for this precinct, however the physical location of the polling place had moved since the last election.

In addition to myself, I was assigned 3 clerks to staff this precinct. I was originally assigned an experienced clerk who I had worked with the previous election, unfortunately she needed to withdraw from working 2 weeks prior to the election and DOE arranged a replacement clerk. I was also assigned 2 student pollworkers.

I visited the precinct location the day before June 6 and spoke to the building staff person who showed me the delivered DOE supplies and confirmed that he would be there to open the building at 6:00 A.M. on Election Day.

I called my assigned clerks on Monday afternoon to confirm that they would be there at 6:00 A.M. I did speak to the assigned replacement clerk and an adult at the contact number for one of the student pollworkers. Both confirmed that they would be there. I was unable to reach one student pollworker.

On Election Day, only one pollworker was at the precinct at 6:00 A.M., the student pollworker that I had not been able to contact the day before. The student pollworker and I were able to open and operate the precinct. This particular student, a Junior at Mission High School was very helpful and extremely familiar with the election procedures, including the primary election ballots and which to issue.

The other 2 clerks never showed up to the assigned precinct. After setting up the precinct, I called the Field Election Deputy (FED) for my precinct and the DOE command center. DOE provided 2 replacement clerks by 8:15 A.M.

Throughout the day we conducted voting with no exceptional occurrences.

AutoMARK

We advised voters as they arrived at the precinct of the availability of assisted voting via the AutoMARK voting device. As of the close of the polls that day, no voter at that precinct had expressed interest in or had used the AutoMARK device to vote.

Supplies & Materials

DOE provided sufficient and well-organized materials to operate the precinct. DOE staff that delivered the voting machines and other materials to Precinct 2213 had pre-assembled the voting booths and set up the AutoMARK device before the election. Because of the lack of pollworkers for the opening of the precinct, I am extremely appreciative of the time DOE staff took to set up those items.

Precinct Location

Because the physical precinct location had moved from its previous long-term location, some voters indicated they had trouble finding the new polling place.

The only disabled access to the new location, at a former SFUSD school site, was through a gate 40 yards south of the actual physical front door address given to voters. DOE provided 2 of the new directional sign/traffic cones. Additionally, we used numerous directional signs and requested more from the FED. In all we used a total of 11 directional signs and still had comments from voters that they had trouble locating the polling place.

Additionally, DOE had placed a "Change of Polling Place" sign in front the former location of the polling place for this precinct. The "Change of Polling Place" sign included tear-off notices that voters could take for finding the new polling place location.

A major problem may have been the angle of approach of the new location. Most voters approached the new location via a public staircase that was not the recommended direction given by DOE because such direction may possibly violate accessible voting requirements. Additionally, from that angle, the two-dimensional signage, while in place, was not always obvious.

This situation likely involved voter frustration at the change of polling place location from a long-term location, as well as the unique angle of approach via a public staircase that is known to area residents. I believe we did everything we could to direct voters to the new location. One voter suggested a return to the practice of placing a cloth flag outside the precincts, as a breeze flapping flag was more noticeable than the two-dimensional polling place signs now used.

Sheriff & PCO Pickup

The pickup of voting material by the Deputy Sheriff (Deputy Castro) and PCO after the close of the polls was well organized. The Deputy Sheriff came by and introduced himself a few hours before the polls closed. He provided

us with his contact phone number. Both were on time and ready to pick up materials once we closed the precinct and completed our closing tasks.

Field Election Deputy (FED)

The FED assigned to our area, FED #2, Wendy Cunningham was extremely well trained and responsive. She stopped by the precinct numerous times and made sure to check that materials were in place and that procedures were being followed.

Precinct Clerks

The precinct staff I worked with were well trained, particularly, as I have mentioned, the exceptionally helpful student pollworker who did show up and assisted me in opening the precinct. The replacement pollworkers sent by DOE arrived quickly and were helpful, particularly with the precinct closing procedures. It is distressing that 50% of the assigned precinct staff failed to show up. According to the FED assigned to my area, ours was the only precinct in the area to report such a problem.

DOE Command Center

The staff at the DOE Command Center that I contacted were very professional, quick and helpful. The first contact I had at about 6:45 A.M. was to report that 2 assigned clerks had not arrived. DOE staff quickly asked if the precinct location had moved. A very good point, something I had not thought of. DOE staff asked if I could check the previous location to see if the clerks had reported there and were waiting. I did check that location and reported back that no one was there. DOE quickly assigned replacement clerks who arrived by 8:15 A.M.

Election Turnout at Precinct 2213

668 Active Voters on the Roster
232 Active Voters requested Absentee Ballots (34.7%)
120 Voters Signed to Roster and Voted on June 6 (17.9%)
9 Provisional Ballots issued

Of the Provisional Ballot voters, most were due to voters being listed as having been issued an Absentee Ballot, but were unable to surrender the Absentee Ballot. Most stated they never received an Absentee Ballot in the mail

ELECTION OBSERVATIONS

Pollworkers

Recruiting and retaining good pollworkers is an important and difficult aspect of elections administration. The problems associated with high turnover, no shows and improper execution of duties are not unique to San Francisco County, and in fact, may be less so compared to other jurisdictions in California. Creative ideas may be required to improve precinct staffing and service to voters who choose to vote in person at neighborhood precincts. I do not believe that current or manageable financial incentives alone will ever improve this situation.

Pollworker Training

Before pollworker duties become any more complicated, officials should consider the impact of additional requirements given the limited time allotted for training. The Department's Training Program wisely chose to spend the limited amount of training time focusing on one particular procedure and making sure that the vast majority of pollworkers understood the task. It seems the other option would have been to multitask the training and risk variously and more unequally trained pollworkers.

The Pollworker Training Program offered by the Department is high caliber and has consistently improved over the past few years. There is no doubt that given the proper time, pollworkers in San Francisco could operate the best-trained precincts in the state. However, it is unreasonable to expect pollworkers would be willing to invest any additional time in training based on current compensation. Therefore, the Department appears to be forced to choose selected emphasis of training.

Election Material sent to Voters (Voter Information Pamphlet)

- DOE is apparently well aware that there has been concern that some voters did not receive the Voter Information Pamphlet (VIP) until very close to Election Day. I received mine on Friday, May 26. Many factors may have lead to some delays in the VIP production and delivery. Primary elections involve unique and very complicated procedures and issues. The Department should address any and all circumstances that may have lead to any delay in voters receiving the VIP in a timely manner. The Department should communicate any ideas or request assistance needed from election systems vendors, the Postal Service, the City, the Election Commission, and/or the voting public that will reduce delays in production or delivery of the VIP.
- It was pointed out to me by a few members of the public that the most extensive information on the new AutoMARK voting device was placed on page 100 of the VIP, which some have thought may have been better had it been placed closer to the front of the VIP.

Mention of the AutoMARK was made in several places in the VIP, on page 2 in the letter to voters from the Director and on page 13 along with information on how to mark a ballot, as well as the information on page 100. The VIP for the Primary Election required 73 pages just to produce the necessary sample ballots. The Department should consider any steps possible, given production constraints, to place new-to-voters information closer to the front of the VIP booklet.

- The Proponent/Opponent Argument for Proposition A (Page 92) contained a disclaimer that was not fully explained and may have been confusing to voters. It must be noted that the Department of Elections was required to print this disclaimer under Article V, Section 500 (C) (8) of the San Francisco Municipal Elections Code. This is not the first time that the disclaimer required by V,500(c)(8), as printed in the VIP, appears confusing. The Proponent/Opponent Argument for Proposition B in the November 8, 2005 VIP (on page 44 of that version) appears similarly confusing.

Given the reported names contained in the ballot arguments against the names in the disclaimer, it can only be assumed that there was sloppy execution of the intent of V,500(c)(8), because, as printed, appears to make no sense to me. I believe that the Department was not responsible party for the confusing appearance of the disclaimer and related materials.

Even with, what would likely be proper execution of the intent of V,500(c)(8), it may still be unwieldy and confusing to voters as currently presented.

Election Canvas

Since the November 2000 election there has been considerable interest in public scrutiny of elections. This is not unique to the San Francisco Department of Elections or elections in San Francisco in general. We should all just get used to and accept the fact that all aspects of the election process are under public watch and we should consider adopting any reasonable, best practices that insure fair and open elections.

Several members of the public have brought to my, and others, attention the issue surrounding the process of the selection of the precincts chosen for the 1% manual audit of the election during the canvass which precedes the issuing of the final Statement of Vote. State Election Code spells out this process.

A member of the public brought to my attention a document detailing a proposed method for selecting the 1% manual tally precincts that has been put forward to the Alameda County Registrar of Voters. I have given a copy of the Document, "*Proposed Criteria for the Post-Election One Percent Manual Tally in Alameda County*" to Commission Secretary Rodriques as well as Director of Elections Arntz.

It may well be worth the Director of Elections taking the time to review the document and engaging in communication with his counterpart in Alameda County regarding the original need for the proposed criteria and the merits of the proposal itself. From there the San Francisco Department of Elections should determine if a similar criteria should be adopted by San Francisco County as best practices for selection of the 1% Manual Tally.

NOTICE OF SPECIAL MEETING**COMMISSION MEMBERS WILL ATTEND A
PRESENTATION BY BETTY CHAN
OF SUPERVISOR MCGOLDRICK'S OFFICE
ON A PROPOSAL TO CHANGE THE ELECTION CYCLES
IN SAN FRANCISCO****AT CITY HALL, ROOM 082
FROM 10:00 AM TO 11:00 AM
MONDAY, JUNE 26, 2006**

Members of the Election Commission will be in attendance at a presentation by a member of Supervisor McGoldrick's office regarding his proposed Charter Amendment to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

The Elections Commission will not be taking any action at this meeting. Public comment will be taken, however, if four or more commissioners attend the meeting and establish a quorum.

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**Minutes of
SPECIAL MEETING**

**San Francisco Elections Commission
and Supervisor Jake McGoldrick
Regarding Proposal to
Change San Francisco Election Cycles**

**Held at City Hall, Room 082
Monday, June 26, 2006**

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CALL TO ORDER. President Matthews called the meeting to order at 10:06 am

ROLL CALL. PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Jennifer Meek, Supervisor Jake McGoldrick, Betty Chan, aide to the Supervisor, Shawna Johnson, analyst with the Office of the Legislative Analyst, and Deputy City Attorney Miguel Márquez.

Presentation by Supervisor Jake McGoldrick's Office regarding the proposed Charter amendment related to moving elections that occur in odd-numbered years: Supervisor McGoldrick said that "we have a lot of elections and we have a lot of burnout instead of high turnout". He said, there have been complaints for decades, that there have been 24 to 25 elections in San Francisco in ten years. His plan is to consolidate some of these elections, especially the Citywide elections.

He stated that his goal is to get more people to vote for the offices that "are incredibly important in San Francisco. (Those) are: Mayor, District Attorney, City Attorney, Sheriff, and City Treasurer". The Supervisor referred to the handout his office prepared which is attached to these minutes. The table, which lists the dates of elections beginning November 7, 1995, and ending November 8, 2005, and the voter turnout numbers for these elections was discussed. The numbers of voters for the even-year elections were higher than those for the odd-year elections.

Commissioner Gleason asked the Supervisor about the election reported on one of the charts in his proposal. The 11/4/2003 Municipal Election had FOURTEEN Ballot Measures. Under the new proposal, those measures would have had to wait until the 2004 election. The Commissioner asked that if that would be the case today, would the Board wait until an even year to propose Ballot Measures. Betty Chan responded that the Board of Supervisors could, under the proposed Charter amendment, initiate a Special Election, as can members of the public by petition.

Commissioner Gleason then added, that in all likelihood, the Department of Elections would be operating an election that odd-numbered year. He reminded

the Supervisor that even if there is only ONE ballot measure, the Department has to open precincts.

Supervisor McGoldrick replied that he would think that the Board of Supervisors would practice restraint regarding ballot arguments and the need for Special Elections to put those arguments to public vote.

Commissioner Townsend said that the problem is whether the City will see a benefit in "streamlining" the process of eliminating odd-year elections, or will there be just more Special Elections called, not reducing expenses. The secret to increasing turnout, the Commissioner said, was the hard work of campaigning and addressing the needs of people who don't vote. He said that this is something, in his opinion, the City hasn't done well over the last twenty years.

Commissioner Gleason asked for clarification from Supervisor McGoldrick. He asked if what is being proposed is that there not be Municipal Elections.

Supervisor McGoldrick replied that this statement is correct. He stated that during the time between elections, there would be more time for voter outreach, education, registering voters, and cleaning up the voter rolls.

Betty Chan referred to the chart on page 6 which shows the proposed savings if elections were held only on even-numbered years. She added that the savings could then be used to pay for staff for voter outreach instead of gearing up for an election.

Commissioner Meek reminded the Commissioners and Supervisor that this would only apply if there were no Special Elections held in that year. The Commissioner said that the likelihood of having Special Elections in San Francisco is very high.

Commissioner Matthews said that Supervisors will probably exercise restraint regarding putting forth Ballot Measures; however, the electorate may not.

Commissioner Townsend said that he understands the move to try to save money; however, when it comes to cutting jobs, saving money does not always happen. It looks good on the reports, but one must ask was there a strain put on the budget elsewhere, like in human services costs because this employee has lost her/his job. Saving money by cutting employment, for him, is never the best way to save money.

Supervisor McGoldrick replied that he feels that San Francisco is an "incredibly compassionate City", and that the City always tries to move people around, transfer them, rather than lay them off.

Commissioner Matthews said that a huge part of the Elections Department having been able to have successful elections for the past four years has been the same people coming back to work the elections year after year, being laid off

for a few months between elections, but coming back and bringing their expertise with them. He asked how can the City guarantee that the quality of elections will continue if the Department is dormant for 12 to 18 months at a time. He speculated that the Department may not be able to get those people to come back after such a long layover. He said that, although there has not been a study of this situation, he doesn't feel that staff will be coming back.

Commissioner Gleason agreed, and said that the Department would lose institutional memory. He said that there is a dedicated, regular group of people who come back to work at every election.

Supervisor McGoldrick said that the City has five to six more years to put this proposal, should it pass, into action. This change would "kick in in the year 2012."

Shawna Johnson explained page 7, which compares ballot length to voter turnout. Her office's analysis showed that voters did not show signs of "voter fatigue" in elections where the number of ballot measures was high.

Commissioner Matthews asked Ms. Johnson if her office had done any studies of Special Elections and her reply was that they have not.

Betty Chan stated that it might not be attractive for people to request a Special Election if there were no candidate(s). Perhaps proponents time their initiatives for periods when they can get more voters.

Commissioners Townsend and Matthews both responded that sometimes those who push for the Special Election do so because they don't expect a high voter turnout.

Betty Chan said that the Ethics Commission, under this proposal would not save money but would save time and be able to catch up on other work, like conducting their audits (currently they are doing their 2004 election audit).

Commissioner Matthews said that the Elections Commission would probably not weigh in on the policy piece of the Supervisor's proposal, and that the Elections Commission's concern is, because it's Chartered to do so, to look after the Department and make sure that the quality of work can remain what we have come to expect it to be over these last four years. Other Commissioners might differ on this, however.

Commissioner Gleason brought to Supervisor McGoldrick's attention that the Elections Commission was responsible for bringing forth the proposal to amend the Elections Code to move the Public Defender and Assessor/Recorder races from the Primary to the General Election. The Director presented it to the Rules Committee of the Board. The Commission took a back seat, because our involvement is only overseeing elections. When someone wants to put something on the ballot, the Commission has no involvement.

Commissioner Meek said that her concern was keeping the Department going, keeping the temporary positions and somehow making them permanent. We need to keep that “flow” going. If people are dropped, she said, then others

have to be re-trained at an expense greater than keeping the original staff. How does it effect the Department when it must run a Special Election? What are the effects going to be on the Department. What Supervisor McGoldrick proposes may be great for the voters, but what happens to the Department?

Betty Chan said that she had not discussed this aspect with the Director of Elections, but that she would and will get back to the Commission with her findings. Ms. Chan also stated that the Controller’s numbers show that a portion of the money that the City could save would be put towards the larger General Election.

Supervisor McGoldrick said that his office is looking into doing a socio-economic report of the effect of this proposal.

ADJOURNED at 11:11 am.

ATTACHMENTS:

LEGISLATIVE ANALYST MEMORANDUM

To: Supervisor McGoldrick, Chair, City Operations and Neighborhood Services
From: Shauna Johnson and Keith V. Lucas, Office of the Legislative Analyst
Date: June 22, 2006
Re: Elections and Voter Turnout (OLA No. 045-06)

SUMMARY OF REQUESTED ACTION

The sponsor requested research on elections and voter turnout in the City and County of San Francisco from 1995 to 2005. Specifically, we were asked to provide the following information for the requested election cycles: election costs, voter turnout, number of ballot measures (propositions and referendums), and offices that are up for election in even and odd years. Additional information was requested regarding special elections, voter turnout trends, and the impact of long ballots on voter response and turnout.

FINDINGS

Types of Elections

Since 1995, there have been 24 election cycles in the City and County of San Francisco. The City holds five types of elections - general, primary, municipal, run-off, and special elections. General elections occur every two years (during even numbered years) and can include federal, state, and local offices. A primary election is a nominating election in which political parties choose a candidate. Primary elections generally occur during the same year as general elections and the winning candidates from each party will go up against each other in the general election. Municipal elections also occur every two years (during odd numbered years), but only include local offices. Special elections are those that are not regularly scheduled, and are typically held between general elections to fill a vacancy. Run-off elections occur during municipal election cycles when no candidate for an office obtains the majority of the votes. This results in a run-off election between the two highest scoring contenders.

In March 2002, San Francisco voters passed Ranked-Choice Voting (Proposition A). Ranked-choice voting, also known as "instant run-off voting," eliminates the need for separate run-off elections by allowing voters to rank up to three candidates for each office. With ranked-choice voting, if a candidate receives a majority of the first-choice votes cast for that office, that candidate will be elected. However, if no candidate receives a majority of the first-choice votes cast, an elimination process will begin. The candidate who received the fewest first-choice votes will be eliminated and each vote cast for that candidate will be transferred to the voter's next-ranked choice among the remaining

candidates. This elimination process continues until one candidate receives a majority and is declared the winner.¹ Ranked-choice voting was implemented for the first time in the November 2004 general election. Attachment 1 outlines each election and includes information on the type of election, type of office, and the election outcome.

Elections occur in both even and odd-numbered years, and San Francisco has had at least one election cycle every year since 1995. In general, local municipal elections occur in odd-numbered years and state and federal elections occur in even-numbered years. Local elections held in odd years consist of the offices of Mayor, City Attorney, City Treasurer, District Attorney, and Sheriff. The offices of Mayor, District Attorney, and Sheriff are held together, and the offices of City Attorney and City Treasurer are held together in alternating, odd years. The Mayor is elected every four years, in odd-numbered years that precede the U.S. presidential election (see Attachment 2 for detailed information on the past Mayors of San Francisco). Local elections held in alternating even years include the offices of Board of Supervisors, Assessor-Recorder, Public Defender, Board of Education, and Community College Board. Table 1 shows the offices that are up for election during even- and odd-numbered years.

Table 1: Offices up For Election in Even- and Odd-Numbered Years

Even Years	Odd Years
President	Mayor
U.S. Senator	City Attorney
U.S. Representative	City Treasurer
Governor	District Attorney
Lieutenant Governor	Sheriff
Secretary of State	
State Controller	
State Board of Equalization	
Attorney General	
Insurance Commissioner	
State Superintendent of Public Instruction	
State Senator	
State Assembly	
State Judicial Offices	
Board of Supervisors	
Assessor-Recorder	
Public Defender	
Community College Board	
Board of Education	

Voter Turnout

Among other things, the type of race, the position, and the number of candidates are important factors that affect voter turnout. While voter turnout varies based on the types

¹City and County of San Francisco, Department of Elections,
http://www.sfgov.org/site/election_index.asp?id=24269.

of elections, the number of registered voters has remained consistent over the past decade. Table 2 is a summary of the voter turnout from 1995 to 2005.

Table 2: Summary of Voter Turnout from 1995-2005

Date	Registration	Turnout	% Turnout	Precinct	Absentee	Election Type
11/8/2005	428,481	229,714	53.61%	136,897	92,817	Special Statewide
11/2/2004	486,937	361,822	74.31%	226,354	135,468	General
3/2/2004	448,948	190,828	42.51%	120,104	70,724	Primary
12/9/2003	466,127	253,872	54.46%	162,673	91,199	Municipal Run-off
11/4/2003	459,213	209,723	45.67%	140,010	69,713	Municipal
10/7/2003	454,929	269,143	59.16%	187,647	81,496	Special Statewide
12/10/2002*	93,537	35,897	38.38%	19,079	16,818	Municipal Run-off
11/5/2002	449,508	225,102	50.08%	159,645	65,457	General
3/5/2002	440,016	150,249	34.15%	98,669	51,580	Primary
12/10/2001	453,961	75,267	16.58%	44,294	30,973	Municipal Run-off
11/6/2001	452,543	134,024	29.62%	96,876	37,148	Municipal
12/12/2000	398,234	129,629	32.55%	81,670	47,959	Municipal Run-off
11/7/2000	486,636	324,031	66.59%	241,234	82,797	General
3/7/2000	468,198	210,229	44.90%	155,955	54,274	Primary
12/14/1999	467,295	228,247	48.84%	154,357	73,890	Municipal Run-off
11/2/1999	453,151	203,674	44.95%	151,447	52,227	Municipal
11/3/98	448,888	250,719	58.85%	183,839	66,880	General
6/2/1998	430,794	199,157	46.23%	137,812	61,345	Primary
11/4/1997	413,355	125,697	30.41%	87,352	38,345	Municipal
6/3/1997	411,230	178,948	43.52%	129,156	49,792	Special Municipal
11/5/1996	481,902	298,648	61.97%	223,339	75,309	General
3/26/1996	440,254	178,165	40.47%	126,643	51,522	Primary
12/12/1995	425,969	198,326	46.56%	130,573	67,753	Municipal Run-off
11/7/1995	417,883	216,735	51.86%	152,017	64,718	Municipal

**Note: This election was the result of a Supervisorial run-off (for Districts 4 and 8), with a 35,897 turnout reflecting the 93,537 voters registered in the two districts.²*

Voter turnout rates have fluctuated, ranging from as low as 16.58 percent in the December 2001³ run-off election to as high as 74.31 percent in the November 2004 general election. Presidential elections typically had the highest turnout rates, and non-mayoral municipal elections the lowest. December runoff elections, which are no longer necessary since voters approved ranked choice voting in 2002, had even lower turnout levels than non-mayoral November elections.

The OLA compared voter turnout rates for November elections (both general and primary) held in odd and even years. Since 1995, five November elections were held in even years and six were held in odd years. On average, the voter turnout rate during November even-year elections (63.36%) was higher than the turnout rate in November odd-year elections (42.86%).

² Department of Elections, Staff Contacts.

³ This is likely explained by the fact that the election was small - a runoff for City Attorney only, which had a 75,267 turnout with a Citywide eligible voter population.

Special Elections

The San Francisco Elections Code governs special municipal elections.⁴ A special election may occur in one of several ways:

- When a measure qualifies by initiative petition, the Board may call a special election to consider that measure;
- The City is required to hold a special election if an initiative petition contains enough signatures and the petition calls for a special election;
- The Board of Supervisors may call a special election if a referendum petition is submitted with enough signatures to suspend the effective date of an ordinance approved by the Board; and
- The City is required to hold a special election if a recall petition with enough signatures is submitted.

The Board of Supervisors also has the authority to consolidate a special election with a general municipal or statewide election. Since 1995 the City has had three special elections, two statewide (November 2005 and October 2003) and one municipal (June 1997).

Trends in Voter Turnout

The OLA looked at various studies related to voter turnout trends in California. A closely-related study conducted by the Public Policy Institute of California⁵ assessed the impact of city demographics on voter turnout for California's municipal elections, and found some of the following trends:

- Larger cities tend to have lower turnout rates.
- Cities with residents of higher socioeconomic status tended to have significantly higher turnout.
- Race and ethnicity appear to be related to turnout. Past research suggests that African Americans participate at rates roughly equivalent to whites. However, the presence of large Asian American or Hispanic populations is associated with lower overall turnout.

Another study conducted on age and voter registration and turnout found that older adults are more likely to be registered and to vote than younger adults. The study indicated that voter registration rates in California increase with age, ranging from 66 percent for adults under age 25 to 93 percent for adults age 65 and older. Additionally, voter turnout varies by age. According to the study 28 percent of voters in the youngest age group are likely to vote, compared to 78 percent in the oldest age group.⁶

⁴ City and County of San Francisco Charter, Sections 13.103, 14.101, 14.102, and 14.103.

⁵ Hinal, Lewis, & Louch (2002), *Municipal Elections in California: Turnout, Timing, and Competition*, Public Policy Institute of California.

⁶ *The Age Gap in California Politics*, August 2005. Public Policy Institute of California.

Ballot Measures

From 1995-2005, 184 local ballot measures have come before the San Francisco voters. Table 3 is a summary of the ballot measure results from 1995 to 2005. Of the 24 elections held during this period, 17 elections contained local ballot measures. None of the six run-off elections (held in December of 1995, 1999, 2000, 2001, 2002, and 2003) contained ballot measures. Generally, November elections contained more measures than March or June elections. There was not a significant difference between the average number of ballot measures in even years (11) compared to odd years (10). For more detailed information regarding local ballot measures see Attachment 3.

Table 3: Local Ballot Measure Results from 1995-2005

Election Date	Election Type	# of Ballot Measures	% Pass	% Fail
11/8/2005	Special Statewide	9	78%	22%
11/2/2004 ⁷	General	16	50%	44%
3/2/2004	Primary	11	91%	9%
11/4/2003	Municipal	14	93%	7%
11/5/2002	General	20	65%	35%
3/5/2002	Primary	7	86%	14%
11/6/2001	Municipal	9	78%	22%
11/7/2000	General	18	56%	44%
3/7/2000	Primary	6	67%	33%
11/2/1999	Municipal	11	91%	9%
11/3/1998	General	10	100%	0%
6/2/1998	Primary	12	64%	33%
11/4/1997	Municipal	8	75%	25%
6/3/1997	Special Municipal	6	67%	33%
11/5/1996	General	10	60%	40%
3/26/1996	Primary	2	100%	0%
11/7/1995	Municipal	15	53%	47%
Total		184	58%	42%

Election Costs

Over the past 10 years, an annual average of approximately \$8.6 million has been appropriated to the Department of Elections. From 1995 to 1999 election appropriations were fairly stable. However, in 1999 election appropriations more than doubled from the previous year. Appropriations nearly doubled again in 2000 and have subsequently fluctuated from 2001 to 2005. During the 2003-04 fiscal year, appropriations were significantly higher compared to other years. According to the Department of Elections (DoE) appropriations were high during this time because four elections were held that fiscal year.⁸ For the 2004-05 fiscal year, \$2,451,000 was appropriated specifically to implement instant run-off voting. Information related to the specific cost per election was not readily available from DoE.

⁷ One of the measures (Measure M) was withdrawn.

⁸ Elections held in fiscal year 2003-04 include October 7, 2003, November 4, 2003, December 9, 2003, and March 2, 2004.

Table 4 is a summary of the DoE budget appropriations for the past decade and includes the average appropriation per election. The appropriations reported in Table 4 represent balances recorded in the DoE FAMIS system and do not include allocations to individual elections.

Table 4: Department of Elections Appropriations from 1995-2005

Fiscal Year	Appropriation	Number of Elections	Average Appropriation Per Election
2004-2005	\$10,253,326	2	\$5,126,663
2003-2004	\$19,098,436	4	\$4,774,609
2002-2003	\$11,277,032	2	\$5,613,516
2001-2002	\$14,335,884	3	\$4,778,628
2000-2001	\$11,633,045	2	\$5,816,522
1999-2000	\$6,195,688	3	\$2,065,229
1998-1999	\$2,708,189	1	\$2,708,189
1997-1998	\$3,722,756	2	\$1,861,378
1996-1997	\$3,519,737	2	\$1,759,868
1995-1996	\$3,871,143	3	\$1,290,381

ELECTIONS MODEL

The Department of Elections estimated the City's election costs over the next ten years under the current structure for odd and even year elections, including primary, general, and combined (general and municipal) elections. They also estimated the election costs under a hypothetical scenario in which odd year municipal elections were eliminated by consolidating them into even year, combined elections. The cost factors for this model include:

Variable Costs

Temporary salaries
Temporary overtime
Temporary benefits
The cost of ballot cards
Voter information pamphlet (VIP) printing
VIP layout and translation costs

Fixed Costs

Poll-workers
Polling place rentals
Sheriff and Department of Parking and Traffic staff
Materials and supplies

This model does not account for the change in ongoing costs such as labor and inflation rates⁹. Based on the consolidated model, DoE estimated that the City could save at least \$26.2 million over a period of 10 years.

EFFECT OF BALLOT LENGTH ON BALLOT COMPLETION

The OLA conducted statistical analysis to determine the effect of ballot length on voter response (see Figures 1-3). We looked at the three longest ballots (determined by the number of items) from 1995-2005. The figures show the percentage of ballot holders who

⁹ According to the Department of Elections, some variable costs increase in even years, and would be more than offset by significantly reduced costs in odd years from not conducting elections, and therefore not having to hire pollworkers, deploy Sheriff and Department of Parking and Traffic staff, and other material and supply costs.

voted for each ballot item in the San Francisco elections of November 5, 2002, November 7, 2000, and November 3, 1998. The number of items on the three ballots ranged from approximately 35 to 60, and items were generally placed in the following order: Federal positions, State positions, Local positions, and propositions.

Based on statistical analysis, a study of the figures, and an understanding of the ballots, we make the following observations:

1. The proposition portion of the ballot, which appears at the end of the three ballots examined, does not show any statistically significant trends, negatively or positively. Additionally, the average proposition response percentage is on par with the beginning portion of the ballot. We thus conclude that voters did not show any signs of “voter fatigue” in these three elections (for the given metric of response percentage of ballot holders).
2. Judicial portions of the ballots show significant drops in response percentage, from averages between 80 percent and 95 percent before these sections 40 percent and 50 percent. Voters returned to higher response percentages after these sections.

Figure 1: Comparison of Ballot Length to Vote Response, November 2002 Election

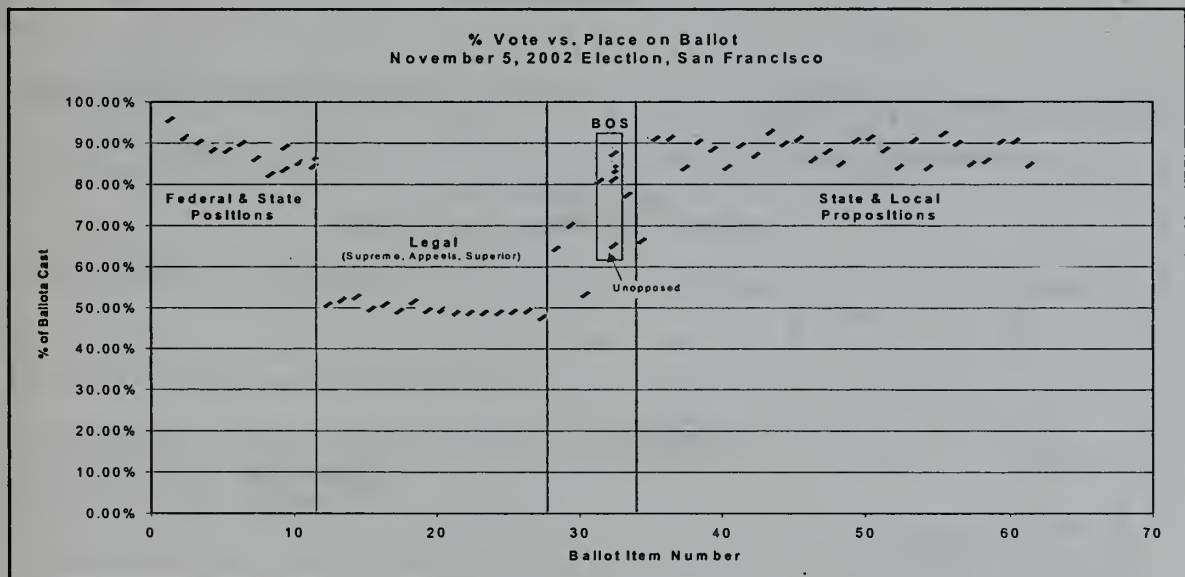


Figure 2: Comparison of Ballot Length to Vote Response, November 2000 Election

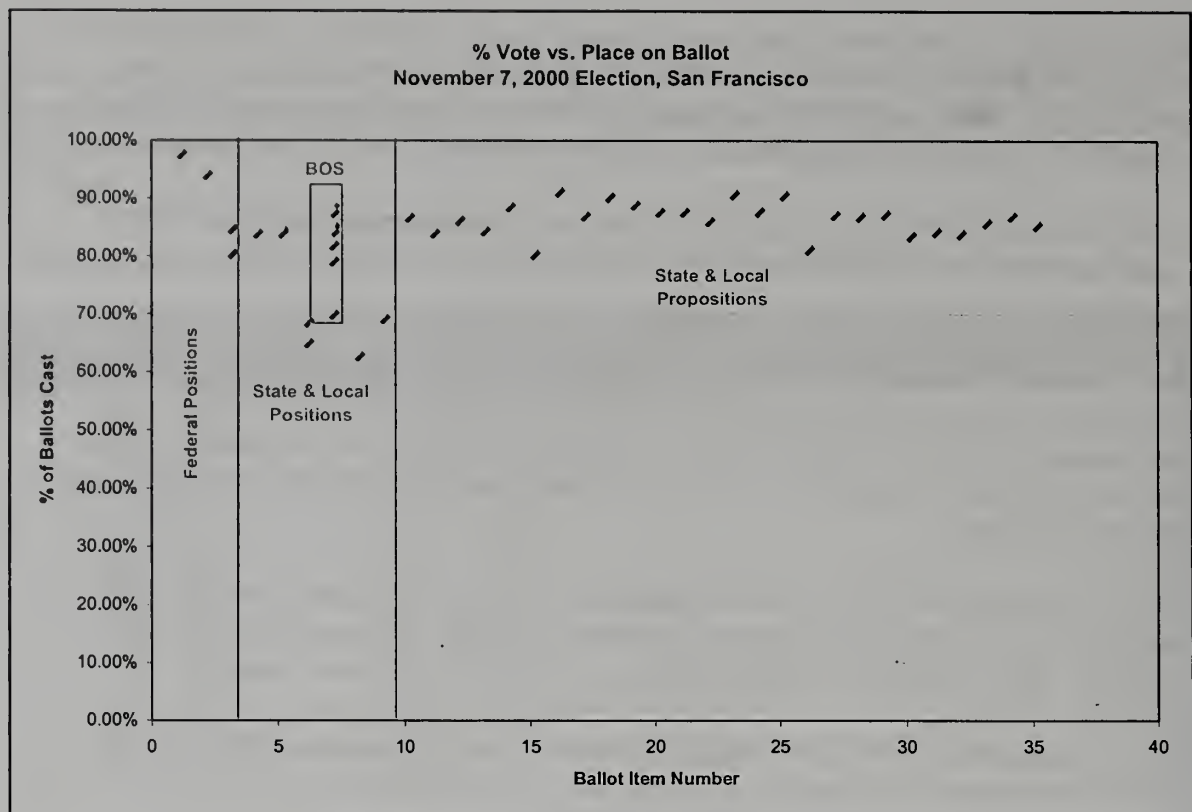
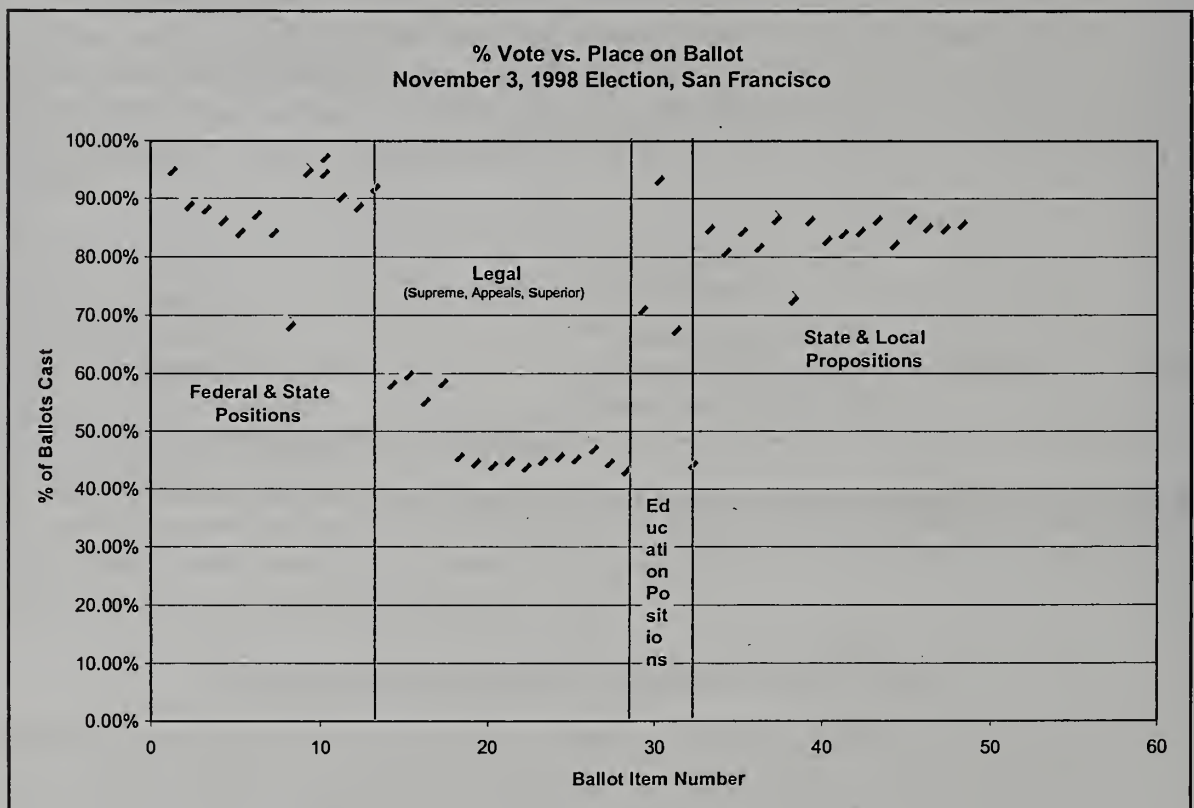


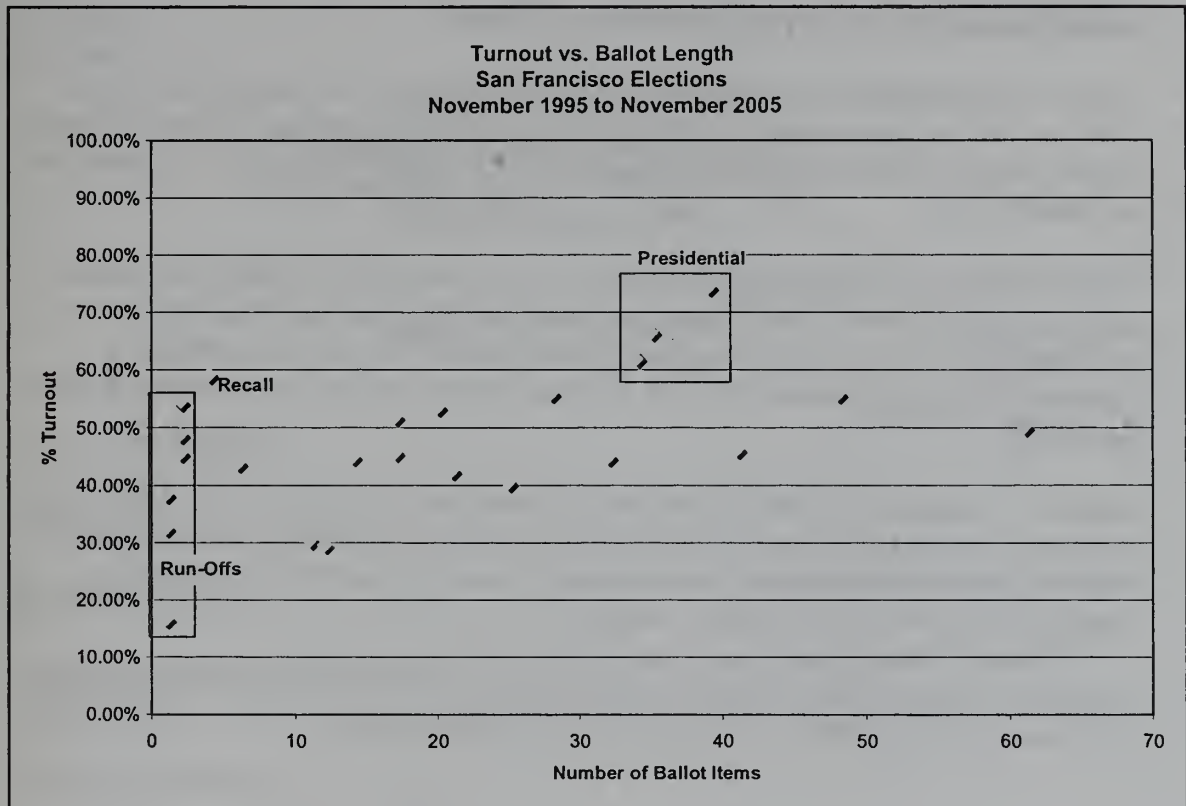
Figure 3: Comparison of Ballot Length to Vote Response, November 1998 Election



EFFECT OF BALLOT LENGTH ON VOTER TURNOUT

The following figure shows the effect of ballot length on voter turnout (the percentage of registered voters who went to the polls) for San Francisco elections from November 1995 through November 2005.

Figure 4: Comparison of Ballot Length to Voter Turnout



Based on statistical analysis, a study of the figure, and an understanding of the ballots, we make the following observations:

1. Run-off elections have the shortest ballots (1 or 2 items) and the widest variation in turnout, ranging from 17 percent to 54 percent. For both of these reasons, we do not believe that run-off elections should be included in an analysis to determine the effect of ballot length on voter turnout.
2. Excluding run-off elections, ballot length from November 1995 through November 2005 does not show a statistically significant effect on voter turnout, negatively or positively.
3. Election type may be a significant factor in determining voter turnout. The top four elections in terms of turnout from November 1995 through November 2005 were the 2003 recall and the three presidential elections.

CONCLUSION

Based on the study of San Francisco elections cycles from November 1995 to November 2005, the OLA found the following:

- Voter turnout in San Francisco varies greatly across different types of elections. Presidential elections typically had the highest turnout rates, and non-mayoral municipal elections the lowest. December runoff elections, which are no longer necessary since voters approved ranked choice voting in 2002, had even lower turnout levels than non-mayoral November elections.
- Election appropriation allocations have more than tripled on an annual basis from 1995 to 2005 and have averaged \$8.6 million over that time period. The switch from punch cards to optical scan cards during the 2001-02 fiscal year largely explains this increase.
- Of the 184 ballot measures placed before the voters from 1995 to 2005, 58 percent passed and 42 percent failed. Generally, November elections contained more measures than March or June elections. There was not a significant difference between the average number of ballot measures in even years (11) compared to odd years (10).
- Based on a study of the three longest ballots from 1995 to 2005, we determined that there are no signs of drop off in voting activity towards the end of the ballot. The average response percentages for items listed toward the end of the ballot were similar with those of the beginning portion.
- Based on a study of ballot length and voter turnout, we determined that ballot length does not have a statistically significant effect on voter turnout.



ELECTIONS COMMISSION
City and County of San Francisco

Richard P. Matthews, President
Jennifer Meek, Vice President
Sheila Chung
Gerard Gleason
Victor Hwang
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, July 5, 2006 at 7:00 pm
City Hall Room 408

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ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Director's Report**
 - Summary of canvass and certification of June 6, 2006 Election
 - Update on Board of Supervisors actions regarding Budget
 - Update on preparation for November 7, 2006 Election
6. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
7. **Discussion and possible action to send a letter from the Commission to the Department of the appropriate body encouraging the reauthorization of the Voting Rights Act. (Commissioner Sheila Chung)**

8. **Discussion and possible action to make a presentation to the Mayor's Office and the Board of Supervisors to explain what happens in the Department and how voters are affected/inconvenienced by budget cutbacks. (Commissioner Townsend)**
9. **New Business**
 - (a) **Discussion and possible action to approve the minutes for the Commission meeting of June 21, 2006.**
10. **Discussion regarding items for future agendas**
11. **Public comment on any issue within the Elections Commission's general jurisdiction.**
12. **Announcements**

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

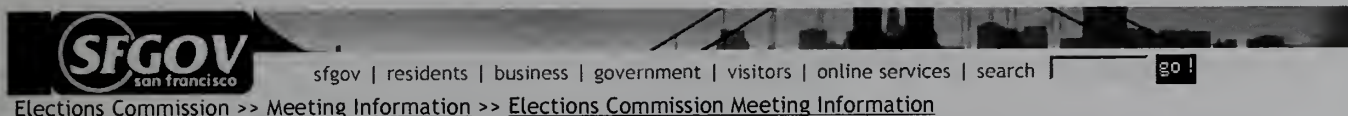
Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, Donna Hall, Clerk, City Hall, Room 409, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-7854; E-mail: Donna_Hall@ci.sf.ca.us. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.



The Elections Commission

July 5, 2006

City and County of San Francisco
Elections Commission

Approved: July 19, 2006

Minutes of the Meeting at City Hall Room 408
July 5, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:05 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Jennifer Meek, Victor Hwang, Deputy City Attorney Miguel Marquez and Deputy Director of Elections Linda Tulett. ABSENT: Commissioner Michael Mendelson.
3. **DIRECTOR'S REPORT.**

Summary of canvass and certification of June 6, 2006 Election – Deputy Director Tulett reported that the canvass has been completed and the election was certified on Monday, July 3, 2006. A hard copy of the Statement of Vote was sent to the Secretary of State (SoS) today. It is expected that the Board of Supervisors will adopt pass a resolution declaring the election results on July 18, 2006.

The selection of the random precincts for the canvass was changed this year. Each precinct was represented on a piece of paper, and there was a random draw of one percent of the precincts.

Update on Board of Supervisors actions regarding Budget.

Deputy Director Tulett reported that the DoE went before the Board on June 26, 2006 (this hearing is currently posted on SFGTV). Ms. Tulett said that "it is still unclear what the Controller's report really means." The Budget Analyst took the Controller's recommendations. Supervisors Mirkarimi and Duffy motioned to keep the full time status of the 1842-Voter Publications Manager. Supervisor Mirkarimi also motioned to not accept the recommendation on the other 17 positions, but that was not seconded by any of the other Board members, and the Analyst's recommendations went forward. It is not certain if the recommendation is for the fiscal year with only one election or would the recommendation change in a two election year. The Department needs to meet with the Controller and learn his intention.

President Matthews asked if the Board has now approved a budget for the Department for '06 to '07? The Deputy Director replied, "There was a hearing last week for any "add-backs", and the DoE was not given any." There will be more budget hearings in July when the full Board of Supervisors adopts the budget.

President Matthews asked if the net loss amount was \$400,000. The Deputy Director responded affirmatively, however a full breakdown is

unclear, and Supervisor Peskin asked the Mayor's Budget Office for a full dollar breakdown. There has been no response to date.

President Matthews told the Deputy Director to let the Commission know immediately if there is anything more it can do to assist with the budget and that the Commission will "go to the mat for the Department". Ms. Tulett agreed to inform the Commission.

Update on preparation for November 7, 2006 Election. Deputy Director Tulett reported that the Department has not received any information from ES&S (Elections Systems & Software) regarding equipment certification for RCV (Ranked Choice Voting). Last week, the DoE signed its contract with ES&S and is awaiting the final reply from ES&S for that contract.

Most of the DoE staff is taking well-deserved vacations this week, and preparations for November, currently, consists of going through supply orders and deciding what will be needed. However, having a line item budget from the Mayor's Office would be of great help. Candidate filing will begin July 17, 2006 and there will be a Brown Bag meeting on July 12, 2006.

Commissioner Gleason asked that a representative from ES&S and the SoS be invited to the next Elections Commission meeting to give an update on the progress of certification for the November 7, 2006 Election.

Commissioner Hwang asked what happens to staff who have their positions reduced, are they transferred to other positions within the City? Deputy Director Tulett responded "no" and that "the majority of those are temporary people, so they do not have permanent positions with the Department." She explained that they were not just temporary positions in the normal sense, these staff have been filling in and doing core tasks, and technically should have held permanent positions. The seventeen positions being effected are extremely important to the functions of the department.

President Matthews said that there is "such a lack of understanding and a lack of concern about the ramifications of moving these particular jobs to these classifications, and that folks (in City Hall) can't see that you're going to blow a hole clear through the Department if these folks are made seasonal or other bizarre classifications that really aren't going to allow good folks to come back." He continued, "it's no accident that we've had nine straight, great elections in four years. It doesn't happen randomly. And perhaps that's made people (in City Hall) complacent. It hasn't made us complacent."

4. **Commissioners' Report.** President Matthews said that he made calls to Supervisors in support of the DoE's budget needs, and had a meeting a week ago with the Treasurer who will be making the next appointment to the Elections Commission. President Matthews said that he attended the selection of the precincts for the manual tally and reported that the process went very well. He also observed the actual canvassing of the one percent tally at Brooks Hall, and he complimented the crew there.
5. **Discussion and possible action to send a letter from the Commission to the Department of the appropriate body encouraging the reauthorization of the Voting Rights Act.** (Commissioner Sheila Chung) President Matthews asked the

Deputy City Attorney to whom the Commission could write such a letter.

Deputy City Attorney Marquez said that the Commission's intention to send a letter to Speaker of the House Dennis Hastert would be allowable, however, to send a letter urging the public to lobby a legislative body would be a different question. Commissioner Townsend MOVED that the Commission President be authorized by the Commission to prepare and send such a letter as soon as possible, Commissioner Meek SECONDED. Commissioner Gleason suggested that the letter include the fact that the City has been operating under the VRA and that there would be no burden to extend it. Commissioner Townsend added that there are still people who need those protections afforded under the Act.

MOTION to authorize the Commission President to draft and send a letter to Dennis Hastert encouraging reauthorization of the Voting Rights Act was UNANIMOUSLY APPROVED by a roll call vote.

6. Discussion and possible action to make a presentation to the Mayor's Office and the Board of Supervisors to explain what happens in the Department and how voters are affected/inconvenienced by budget cutbacks. (Commissioner Townsend)

Commissioner Townsend said that the previous discussion during the Director's Report illustrates, once again, the importance of this item on the agenda. He reported that at an earlier meeting which included himself, the Commission President and the Mayor's Budget Office, it was obvious that the Mayor's office did not know what is really involved in conducting a successful election.

He explained that when an election is not occurring, DoE staff members are still busy, and some Board of Supervisors see it as "wasteful". The Commissioner said that with the proposed cutbacks, the City runs a strong risk of running into problems in future elections if staffing is lessened.

Commissioner Townsend suggested that the DoE's website have a visual (virtual) tour of how the Elections Department is run. This could include photos of the six locations the Department uses and what is accomplished during every step of preparation, the actual election, and the responsibilities that occur directly after an election. He suggested that instead of trying to get Supervisors into a meeting, having a product that one or more people could see (a live instruction by computer) at a time. The Commissioner said that the public will not realize the budget cuts until things don't go as smoothly as they did in the past, until precincts are consolidated and one has to go a lot further to vote, or therefore people just don't vote, or they look at their pamphlet and the precinct at which they have voted for 40 years is no longer there, or there are long lines at the polls, or absentee ballots come very late.

Deputy Director Tulett said that the Department has election day activities photos, but suggested that pre-election day activities will need to be visually obtained, like candidate filing, the nomination process, putting together informational and training materials. Ms. Tulett also suggested that the presentation demonstrate what the staff does in an "off" year. For example, she said in August, there is a Community Services District Election, and a Retirement Board

election in January. Additionally, there is the volume of people who come to the DoE office on a daily basis looking for information, for example, how to circulate a petition, how to run for office in three years or what were the maps like ten years ago before redistricting. These are the things that happen outside the election season and they are just as important a picture to paint as what happens during an election.

MOTION Commission Townsend to work with appropriate staff, as they are available, to develop a presentation that describes the efforts of the DoE throughout the year, including the off election season, in the coming months to present to the Mayor's Office and the Board of Supervisors, and the Controller's Office, after final approval by the Elections Commission.
Commissioner Meek SECONDED.

Commissioner Gleason said he wants to help on this presentation.

Commissioner Townsend said that members of the offices charged with approving the DoE's budget should be shown what is happening in the Department, in person, during the days close to the election and that this is part of good government, because if one is to be a good elected official, one should know what it takes to run an election.

Commissioner Meek said that bringing representatives from those offices down and showing them what various staff are doing (during the off season) and showing them what is being effected is something the Commission should do. Also, they need to be shown that it takes money to train new staff, if previous staff has been laid off and is not able to return to the positions they know because the lay off period is so extensive. Keeping these people on board is more beneficial to the City.

Commissioner Townsend reminded everyone that training new people would need to start earlier than the time the Department would be calling back workers who were experienced.

Commissioner Hwang said that the presentation may sound like a good idea, but that it may be more about politics and about what is right or wrong to do. He explained that he was part of the team that lobbied the Board last week for money for immigrant services, and most of the groundwork had been done weeks earlier by meeting individually with Board members. The Commissioner suggested that the Commission work on individual Supervisors.

Public Comment. *Roger Donaldson* suggested showing a timeline in the presentation.

The Roll Call Vote was UNANIMOUS for approval of preparing a presentation.

7. New Business

Discussion and possible action to approve the minutes for the Commission meeting of June 21, 2006. The Commission Secretary asked that this item be postponed until she has had the opportunity to speak with the Director of Elections regarding a portion of his report that is included in the minutes but is unclear. The Director is on vacation until mid-July. It was AGREED to hold approval until the July 19, 2006 meeting, and to include the minutes of the Special Meeting of June 26, 2006, for approval at

that meeting.

Public Comment. *Chris Jerdonek* described his experience as the only member of the public to observe the random selection of the precincts for the random vote tally. He suggested that a set of three ten-sided die be rolled by different people to get a number between 1 and 1000, if it is less than 580, then that precinct is picked.

President Matthews asked Mr. Jerdonek, who is a mathematician, if using the system he proposed would result in all precincts having an equal chance of selection. Mr. Jerdonek explained that each die would have numbers 0 to 9, so it would represent a digit of a three-digit number, therefore all the numbers from 1 to 1000 would be equally likely to be selected and if the number is something that does not correspond to a precinct, if it is bigger than 580, one would just roll the die again.

President Matthews reminded Mr. Jerdonek that there are an unequal number of precincts that start with a one, two, or three. Mr. Jerdonek responded that at the random selection, there was a spreadsheet that listed all the precincts. In the first column was the number 1, 2, 3 and up. In the second column, was the precinct name, which is a four-digit number.

President Matthews asked if Mr. Jerdonek was referring to 1 to 561 as opposed to the numerical designation of the precinct. Mr. Jerdonek said that this was correct.

Roger Donaldson said that the FED training should combine new and returning FEDs in the same training. He suggested an increase in pay for the more experienced pollworkers as an incentive, and that other counties be contacted to find out how they have been successful in getting more money for their budgets.

Announcements. *Commissioner Townsend* invited everyone to attend the end of the first phase of the summer youth program "Raising the Standard" on Thursday, July 13, 2006 from 5:30 pm until 7:00 pm at 762 Fulton Street for a program of filmmaking, art exhibits, poetry reading, singing, dancing and refreshments.

Commissioner Hwang said that he would not be able to attend the July 19 meeting of the Commission. The Commissioner announced that on August 12 and 13th there will be the Nihonmachi Street Fair and he would be happy to distribute election materials at this event.

ADJOURNMENT at 8:15 pm



ELECTIONS COMMISSION
City and County of San Francisco

Richard P. Matthews, President
Jennifer Meek, Vice President
Sheila Chung
Gerard Gleason
Victor Hwang
Michael Mendelson
Arnold Townsend

John Armtz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, July 19, 2006 at 7:00 pm
City Hall Room 082

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ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Director's Report**
 - Update on current status of 2006-07 budget
 - Update on re-certification of voting equipment for RCV
 - Update on preparation for November 7, 2006 Election
6. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
7. **Discussion and possible action regarding the positive evaluation of the Department's compliance with and the effectiveness of the Election Plan used for the June 6, 2006 Consolidated Primary Election. (Report from the Budget and Oversight of Public Elections Committee)**
8. **Discussion and possible action regarding selecting a date to review and approve the Election Plan for the November 7, 2006 election.**

9. Discussion and possible action to establish a policy of costs to send Commission Meeting information packets to the public who request them. The Brown Act 54954.1 states that the legislative body may establish a fee for mailing the agenda packet, which fee shall not exceed the cost of providing the service. (Commission Secretary)
10. Discussion and possible action regarding Supervisor Elsbernd's proposed amendment of municipal election code which would require mailing the Voter Information Pamphlet at least 29 days before an election. (Commissioner Gleason)
11. Discussion and possible action to approve the minutes for the Commission meeting of June 21, 2006.
12. Discussion and possible action to approve the minutes for the Special Meeting of June 26, 2006.
13. Discussion and possible action to approve the minutes for the Commission meeting of July 5, 2006.
14. Discussion regarding items for future agendas
15. Public comment on any issue within the Elections Commission's general jurisdiction.
16. Announcements

ADJOURNMENT

Disability Access

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The Elections Commission

July 19, 2006

City and County of San Francisco
Elections Commission

Approved: _____

Minutes of the Meeting at City Hall Room 408
July 19, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:01 pm.
2. **ROLL CALL. PRESENT:** Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend (arrived at 7:07 pm), Jennifer Meek, Michael Mendelson, Deputy City Attorneys Miguel Márquez and Ann O'Leary, Director of Elections John Arntz. **ABSENT:** Commissioner Victor Hwang.

Deputy City Attorney Márquez explained that he would be returning to the Unified School District and introduced Ann O'Leary who would be his replacement for the Department of Elections. Deputy City Attorney O'Leary said that her elections background was primarily from her number of years working in politics in Washington, DC.

3. **DIRECTOR'S REPORT.**

Update on current status of 2006-07 budget. Director Arntz said that there had been no changes in the budget numbers since the last Commission Meeting.

Update on re-certification of voting equipment for RCV. The Commission has been given a letter that the Secretary of State's office (SoS) sent to the State Certification Manager of Elections Systems & Software (ES&S) about that company's inaction in seeking certification for its system. (NOTE: a copy of this letter is attached to these minutes) In the case that the equipment cannot be certified, the Department is preparing its hand tallying procedures for the RCV election. The Director said that he spoke with the SoS yesterday and was assured that they will do everything they can to assist the Department.

Commissioner Meek asked if the Board of Supervisors had been notified of the letter and the events that led to the choice of ES&S over Sequoia voting systems. The Director answered that the choice has been well documented. He asked the Commission if it would consider how to move forward and whether the DoE should go with Sequoia, ES&S or some alternate system and then advise the Department. He recalled the Commission's Voting Systems Forum with its public testimony as one example of past input.

President Matthews said that the Commission could look into further activities regarding voting system selection but that, legally, the Commission might be prevented from doing much because this is not the Commission's responsibility.

Director Arntz said that he wasn't looking for the Commission to

make a decision, but a public discussion after which the Commission could make an advisory statement.

For clarification, President Matthews asked the Director if he wanted the Commission to weigh in on which system or which vendor. Director Arntz said he would like to hear from the Commission about what would be its recommendation as the best plan, and how the City should proceed with its voting system and voting system's provider at the conclusion of 2006. The contract with the vendor must be signed BEFORE December 31, 2006 for a new system if the City is to continue with optical scanning technology. However, if the contract is signed after that date, the City cannot get the HAVA reimbursement for that system, therefore the system will have to be touch screen.

Commissioner Meek said that the Board of Supervisors needs to know right away about the problem with ES&S. Director Arntz replied that the Board would be notified.

President Matthews referred to the letter from Bruce McDannold of the SoS's office to ES&S, in which reference is made of a June 20, 2006 letter that said that the originally certified system does not fulfill HAVA's requirements for accessibility. He asked the Director if he had been notified of this by ES&S. The Director answered that this letter was the first he had heard of this information being formally stated – although the Director had been saying it for several months.

Commissioner Meek said that the Department needs to get the word out to the public about the possibility of a hand tally for the RCV election this November to avoid conspiracy rumors.

The Director said that he puts out implementation memos on the website and that he would do this, as well as a press release. He said that he will include the letter this commission discussed earlier as an attachment. The Director said that other memos on this topic are on the website and the link can be found on the front page of the site.

Update on preparation for November 7, 2006 Election. Staff is returning from a break after the June Primary election. The beginning stages are being implemented for the November election and there is not much to report at this meeting.

3. **Commissioner's Reports.** Commissioner Townsend reported that he attended a meeting of the Oakland City Council to discuss the San Francisco Elections Commission's experience in the implementation of Ranked Choice Voting (RCV). RCV will be on the Oakland ballot in November.
4. **Discussion and possible action regarding the positive evaluation of the Department's compliance with and the effectiveness of the Election Plan used for the June 6, 2006 Consolidated Primary Election. (Report from the Budget and Oversight of Public Elections Committee)** Commissioner Gleason reported that the Committee would like to work with the Department on improving the Election Plan for the November 2006 election. The plan should follow where and what happens to the ballots and how the public has access to the process. In addition, the Committee would like to see the Election Plan on the DoE's website and see that the front desk staff is aware of the Election Plan if inquiries from the public are received. The Commissioner said that the Department followed everything in the plan but more procedures need to be included, such as the 8 pm pick up at the Post Office and voting of patients in hospitals on election day. He said that instead of the

Election Plan being "text heavy", he would like to work with the Department to make the information resemble a flow chart of where the ballots go and how they are handled during an election.

MOTION that the June 6, 2006 Consolidated Primary Election complied with the approved Election Plan. Commissioner Townsend MOVED and Commissioner Mendelson SECONDED. Roll call vote was UNANIMOUS.

5. **Discussion and possible action regarding selecting a date to review and approve the Election Plan for the November 7, 2006 election.** Commissioner Gleason explained that currently the template for the Plan says that a window of 80 to 55 days and no less than ten days before the election is when the plan is presented to the Commission.

President Matthews asked the Director for his input for a date so that his resources and those of the staff would work best to produce a document that will be comprehensive, open and with full disclosure. Director Arntz replied that with the Department's 60-day close, mailing to overseas voters, and the hiring of staff, to have the plan due 55-days before the election would be workable.

Commissioner Meek asked when the approved Election Plan could be posted to the Department's website. Director Arntz said that it could be posted the following day after the Commission's approval.

The Commission Secretary was asked to schedule the approval of the Plan for the meeting on Wednesday, September 20, 2006.

6. **Discussion and possible action to establish a policy of costs to send Commission Meeting information packets to the public who request them. The Brown Act 54954.1 states that the legislative body may establish a fee for mailing the agenda packet, which fee shall not exceed the cost of providing the service.**

(Commission Secretary) Commission Secretary Shirley Rodriques reported that she researched the cost per page that is charged at the DoE front desk and was advised that for the last eight years, the cost has been ten cents for printed page. This would be twenty cent for a page that is printed on both sides. She explained that the Commissioners' packets are mailed "priority mail" at \$4.05 for a package weighting less than one pound. If the weight goes over, which it seldom does, fifteen more cents is added to the postage. The packet for this meeting, for example, has 64 pages at a cost of \$6.40 for printing to which is added \$4.05 for a total of \$10.45 per packet. Commissioner Townsend MOVED and Commissioner Mendelson SECONDED a motion to charge the public for the copying and mailing of the agenda.

Commissioner Townsend said that charging for the packet would make things more difficult for the public.

Commissioner Mendelson suggested that the packet be scanned and placed on the website.

Public Comment. *Chris Jerdonek*, said that if the packet were available on-line, then it could be emailed to him. Mr. Jerdonek said that he was the person who has made this request. The cost of ten dollars per meeting or twenty dollars a month, he said, was steep.

A Roll Call Vote was UNANIMOUS. The motion FAILED. The

Commissioners urged Commission Secretary Shirley Rodriques to look into posting the agenda on-line.

7. **Discussion and possible action regarding Supervisor Elsbernd's proposed amendment of municipal election code which would require mailing the Voter Information Pamphlet at least 29 days before an election.** (Commissioner Gleason) Commissioner Gleason reported that the Supervisor attended the Budget and Oversight of Public Elections Committee's meeting on July 13, 2006 and advised the Committee that he had received his Voter Information Pamphlet (VIP) three days before the election and that his office had received many calls from constituents with similar complaints. Commissioner Gleason said the Supervisor is concerned that the current code deadlines do not help to make voter information accessible to voters during the early voting period that begins 29 days before an election. Additionally, the Supervisor said it was unfair to people who paid for their arguments to appear in the VIP because they are not arriving in time to be effective. The Supervisor said that he wants a system in place to make sure this situation, of mailing the VIPs so late that voters do not receive them in a timely fashion, never happens again. Commissioner Gleason said that it was apparent that the Supervisor is very willing to work with the Department and the Commission to move this forward and added that he has five Supervisors who are supporting this proposal for an amendment.

President Matthews reported that Supervisor Elsbernd said that he would be willing to hear any refinements or suggestions from the Commission or the Department regarding the amendment within the next two weeks. The Commissioner asked Director Arntz if the Department wanted to make any input to the proposed amendment. The Director replied that the Department was already looking at deadlines to make the 29 days work, but so many parts of the process are out of the Department's control. He said that to "begin" the mailing at 29 days would be a better statement. The Director said that he will have suggestions for the Supervisor's proposal next week.

Commissioner Townsend said that, again, the Commission has a Supervisor trying to set policy for the Elections Department who doesn't know how the Department works and doesn't know how elections happen. He said, "what are we going to do if we get another situation where there's a lawsuit"? Then, we wouldn't be able to await the result of the lawsuit before sending out the VIP, and if the lawsuit changes what is in the VIP we would have to mail out a second VIP at double the cost and it will get there late anyway. Commissioner Townsend said that the problems that caused the late mailing of the last VIP were out of the Department's control and will likely not reoccur.

President Matthews said that Supervisor Elsbernd said he wanted two things. One was a explanation that was more detailed than the one he has been provided about what happened in the last election; and the Supervisor understands that what happened was not likely to reoccur. The second was that he wanted a plan that would assure him that it would not happen again.

Director Arntz said that the Department could not "guarantee" that problems would not occur again and that the explanation was given to members of the Board already. Director Arntz said that he would explain what happened at the Board's hearing regarding the amendment.

Commissioner Mendelson said that if the Board of Supervisors wants to investigate, then it can, the Board is a legislative body, the Elections Commission is not. The Commission is a policy making body. He said let the Board investigate and present its findings.

President Matthews reminded the members that it is not the Commission's job to weigh in on policy questions, it is the Commission's job to implement them. He said there have been occasions when proposed ordinances or Charter amendments were bad ideas and harmful to the DoE. He said that the Commission's role is to be supportive of the Department and that is why the Commission is discussing this matter. President Matthews said that if the Supervisor's amendment is enacted as written, it is a bad idea, 29 days is just too difficult, especially if it weighs in to the detriment of the Department.

Commissioner Townsend said that it is not a good idea to base legislation on the

“abnormal”. He said that this is the first time this has occurred during his tenure.

Commissioner Gleason said that the real problem is that the way that elections operate has completely changed and the DoE is operating under old rules. In the precinct that Commissioner Gleason worked at in the June election, there was a 17 percent turn out and 34 percent of the voters were absentees. When the law was first set up at 29 days, it was an accommodation. Now it is used as a regular course, as is absentee voting. He said we don’t have election day anymore, we have election season. The Department needs the guidelines changed so that everything is skewed to allow time to prepare the VIP. He said that putting more layers on the Department isn’t the answer. The Commissioner said that this is an opportunity to go to the Board of Supervisors, who are in charge of the Municipal Election Code, and say that something needs to be done with the existing codes, for example, the paid arguments, how the VIPs are set up, and the requirements and deadlines so that the Department can be prepared to send VIPs out on the 29th day.

President Matthews asked if it was correct that the Commissioner feels that all elections should be treated the same in regard to the lead-time before the VIP is mailed. Commissioner Gleason replied that this is true, at least as a minimum action.

Commissioner Meek said that she agreed that codes need to be changed to reflect how voters are voting today. Elections begin when voters get their absentee ballots.

Commissioner Townsend said that he disagreed because voters, like himself who vote absentee, are stepping out of the norm. It is a consideration for these voters, so that for whatever reason, i.e. the voter is going on vacation, it is an accommodation for the voter. The voter is choosing not to do what is a normally excepted practice of going to the polls. He said that if he chooses to do this, then he must accept that he might have to put himself to some inconvenience because he’s asking the Department and the City to do something special for him. The election is about that day - Tuesday, Election Day. The Commissioner said that he didn’t think it was right for the City to change the way it does business because he has something special he wants to do or some place he wants to be on election day.

President Matthews asked the Director, “for this 29-day (rule) to work reliably and regularly for any county, not just us, but any county that is tasked with that... would it require some ...major changes to the State Elections Code?” Director Arntz answered that he did not think that would be the case. He said that the main concern would be the public review periods. He said that it would be a good idea for the Board to submit Charter amendments, ordinances and bond measures to the Department earlier. The Director said that a primary election, like the one this June, is a “different beast” from a general election. There were 156 different ballot styles in the primary, as opposed to 50 in a general election. He said that in a general election, the 29 day goal is attainable, however, in a primary election it may not be. He explained that in a primary election, the Department has to wait for the state to give it information, and the ballots and voter guides cannot be printed until that information is received.

Commissioner Mendelson suggested that President Matthews and Commissioner Townsend represent the Commission before the Board of Supervisors’ Rules Committee.

President Matthews attempted to put the collective opinion of the Commission into the following statement: There is no dogma with the 29-day mailing out of the VIP, provided that all the other constituent time deadlines in the code move back a commensurate amount of time as well to permit the Department of Elections to do its work.

Commissioner Gleason said that he agreed that the codes need to be uniform.

Director Arntz said that there is a lot of work happening around the 29-days before an election, suggested that the time be changed to 25 or 21 days, and said a little bit of breathing room for the Department would be better.

Commissioner Gleason said that, “if it is under state law, perhaps the City consider that they cannot put local bond measures in a primary election, because

of the discrepancy of when this material is sent out.”

President Matthews summarized discussion so far as: “That the Commission would authorize the President to appear before the Rules Committee or the Board of Supervisors to discuss Supervisor Elsbernd’s proposal supporting, perhaps, some movement back and some number of days as long as it is commensurate with a similar moving back of the deadlines of the public review period and other deadlines of the Charter.”

Commissioner Meek **SECONDED**.

Public Comment. *David Pilpel* said that any problems with the mailing of the VIP was because the Board withheld approval of the contract until the Department had to move so quickly with the AutoMARKS and the ballot design issues. That is unlikely to reoccur until there are system changes again, and if there is a system change, it should not be done in close proximity to an election.

The roll call vote was **UNANIMOUS**.

8. **Discussion and possible action to approve the minutes for the Commission meeting of June 21, 2006.** **MOVED** by Commissioner Mendelson, **SECONDED** by Commissioner Meek. The Roll Call Vote was **UNANIMOUS**.
9. **Discussion and possible action to approve the minutes for the Special Meeting of June 26, 2006.** **MOVED** by Commissioner Gleason, **SECONDED** by Commissioner Meek. The Roll Call Vote was **UNANIMOUS**.
1. **Discussion and possible action to approve the minutes for the Commission meeting of July 5, 2006.** **MOVED** by Commissioner Townsend, **SECONDED** by President Matthews. The Roll Call Vote was **UNANIMOUS**.
- . **Discussion regarding items for future agendas.** Commissioner Townsend said that he wanted the Commission to consider outreach in various Communities, especially those that have not had RCV, and getting a community based organization to host the meeting.
1. **Public Comment** on any issue within the Elections Commission’s general jurisdiction. David Pilpel said that the DoE’s publication manager position was saved (it was to have been cut to .75) on a three to two vote in the Board Committee and this was due to the VIP issue. Chris Jordenek thanked Commissioner Townsend for coming to the Oakland City Council the previous evening and sharing San Francisco’s RCV experience.

ADJOURNMENT at 8:31 pm

July 19th, 2006 Elections Commission

ATTACHMENT



ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Jennifer Meek, Vice President
Gerard Gleason
Victor Hwang
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, August 16, 2006 at 7:00 pm
City Hall Room 408

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ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Discussion and possible action on status of current voting system used by the Department of Elections.** This item will include an update on the status of certification of the entire voting system for Ranked Choice Voting. (Lou Didier of Elections Systems & Software)
6. **Director's Report**
 - Update on current status of 2006-07 budget
 - Update on re-certification of voting equipment for RCV
 - Update on preparation for November 7, 2006 Election
7. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
8. **Committee Report**
Report of the August 2, 2006, Budget and Oversight of Public Elections Committee meeting. (Commissioner Gleason)

1 Dr. Carlton B. Goodlett Place - Room 48, San Francisco, CA 94102-4634
Voice (415) 554-4305; Fax (415) 554-7457; TDD (415) 554-4386

9. Discussion and possible action to approve an alternate security plan for the November 7, 2006, election, considering that there will be a ballot measure which could affect the Office of the Sheriff in addition to other offices; and recommend the alternate plan to the Board of Supervisors. (Commissioner Matthews).
10. Discussion and possible action to approve the minutes for the Commission meeting of July 19, 2006.
11. Discussion regarding items for future agendas
12. **Public comment** on any issue within the Elections Commission's general jurisdiction.
13. **Announcements**

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City and County of San Francisco
Elections Commission
Approved: August 23, 2006
Minutes of the Meeting at City Hall Room 408
August 16, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:13 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Jennifer Meek, Victor Hwang, and Deputy City Attorney Ann O'Leary, Director of Elections John Arntz. EXCUSED: Commissioner Michael Mendelson.
3. **Discussion and possible action on status of current voting system used by the Department of Elections. This item will include an update on the status of certification of the entire voting system for Ranked Choice Voting. (Lou Dedier of Elections Systems & Software)**
President Matthews advised the Commission that he had spoken to Mr. Lou Dedier earlier in the day and Mr. Dedier said he would submit a written report for this meeting because he was involved in coding the sample (test) election and unable to attend. However, the report that he submitted did not contain the information about which President Matthews and Mr. Dedier had spoken. The President proceeded to summarize what he understood Mr. Dedier had told him in the phone conversation before this meeting:
 - Lou Dedier has had very fruitful conversations with the SoS (Secretary of State's Office).
 - SoS and ES&S(Election Systems & Software) have agreed on a testing protocol.
 - There will be a test on August 30, 2006, in Omaha, Nebraska.
 - The testing script calls for six precincts (this is less than a full fledged certification testing).
 - Some of the testing scripts will involve RCV.
 - There was some discussion (by ES&S internally) regarding "pushing back" on the requirements for the testing, but it appears there will be no problem meeting the SoS's demands.

President Matthews asked the Commissioners if they felt it was necessary to hold a special meeting next week in which Susan Lapsley, assistant Secretary of State, would be able to attend. Commissioner Townsend said that he was very upset with ES&S and its representative and that he would rearrange his schedule to attend a special meeting if the SOS's representative is able to attend, but he would not rearrange his schedule if the only confirmed representative at the meeting is Mr. Dedier of ES&S.

Commissioner Townsend reported that he attended the August 2, 2006 Budget and Oversight of Public Elections meeting at which Mr. Dedier gave a presentation and fielded questions, but the Commissioner said he left that meeting knowing less than he did before the meeting. The Commissioner said that the information ES&S had given the Department about its submittals to the SoS was not true, according to the SoS. Commissioner Townsend referred to a letter from the SoS in response to a letter they received from Steven Hill, who is a private citizen. The Elections Commission was copied on this response, and Commissioner Townsend said that he thinks the Commission should let the SoS know that

Mr. Hill is not an official representative of the Commission or the Department and to make it clear who speaks for the Commission and the Department.

There will be a Special Meeting of the Elections Commission on Wednesday, August 23, 2006, at 4:00 pm at City Hall, Room 048.

Public Comment. *Steven Hill* said that he shares Commissioner Townsend's frustration at the situation with ES&S, but that part of the problem was caused by the attempt to go to a different vendor, without a backup plan.

4. DIRECTOR'S REPORT.

Update on current status of 2006-07 budget. Director Arntz said that the Department is working with the Mayor's Office to get staffing in place and make sure that requisitions are complete. Invoices for the previous fiscal year are being completed, and invoices for the current fiscal year are being prepared.

Update on re-certification of voting equipment for RCV. The Director said that President Matthews' report on this topic was complete.

Update on preparation for November 7, 2006 Election. Staff has just returned. Letters are being sent to recruit pollworkers, and polling locations. As information comes in, the VIP is being drafted.

President Matthews asked the Director when was the deadline for laying out the ballot, so that the Commission would know the time constraints for certification of the voting equipment.

Director Arntz answered that the ballots would not be an issue regarding certification of the system. He said that the formatting of the ballot would be the same whether the certification goes through or not, and that plans are to stay with the current ballot formatting.

5. **Commissioners' Reports.** President Matthews reported that he appeared before the Board of Supervisor's Rules Committee on August 9, 2006, on behalf of the Commission, regarding Supervisor Elsbernd's proposed legislation to require that the VIP (Voter's Information Pamphlet) be mailed out 29 days ahead of Election Day. He said he advised the Rules Committee that the Elections Commission supported the proposal provided that it goes hand-in-hand with other deadlines necessary for elections. The Rules Committee was open to President Matthews' suggestion and Supervisor Elsbernd removed the proposal for the calendar and will work with the Department, during the Board's recess, to perfect the legislation before moving it forward. President Matthews said that the Rules Committee appeared to understand that there are other time periods and deadlines that must be changed in order to meet the proposed legislation's date for mailing.

President Matthews added that, at the Rules Committee, he praised Director Arntz' August 3, 2006, letter to the Board outlining the issues that would be involved in mandating, by fiat, that one date in election law change without taking into account that the process is a "whole web" of requirements, and that "if you just yank on one node of a web, then the whole web gets yanked in that direction" and this needs to be accommodated.

6. **Committee Report. Report of the August 2, 2006, Budget and Oversight of Public Elections Committee meeting. (Commissioner Gleason)** Commissioner Gleason advised that there is an attachment to the Budget and Oversight of Public Elections Committee's minutes for August 2nd that includes a transcript of Mr. Lou Dedier's presentation to the body. (this is available on the Elections Commission's website). Commissioner Meek had requested that more information be included on the Commission and Department websites, including the Election Plan.
7. **Discussion and possible action to approve an alternate security plan for the November 7, 2006, election, considering that there will be a ballot measure which could affect the Office of the Sheriff in addition to other offices; and recommend the alternate plan to the Board of Supervisors. (Commissioner Matthews).** President Matthews called the Commission's attention to the letter from Director Arntz which explains the need for the alternate security plan. Director Arntz advised the Commission that the copy before them was marked "draft" because the Ethics Commission had not heard this item at the time the letter was presented to the Commission and that the Elections Commission had not, until tonight, had a chance to review the letter. The Ethics Commission has now agreed that an alternative security plan is needed.

President Matthews asked how the Captain in the Sheriff's Department, who has been assigned to provide the security plan, is shut off from influence by the Sheriff.

Director Arntz replied that there is more than just the physical separation between Sheriff Hennessey and Captain Butler. He said that everyone would be reporting to Captain Butler who would be making the final decisions, be involved with meetings with the Department and delegating authority to other representatives of the Sheriff's Office who would be dealing with the Elections Department. The Sheriff would physically not be present and would not be making decisions. Additionally, Captain Butler is a civil servant and there cannot be any form of retaliation that would jeopardize her employment status.

Commissioner Gleason referred to Charter Section 13.104.5 and asked if the term "Sheriff" referred to the actual person who serves in that capacity or the office of the Sheriff.

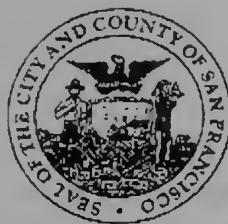
Deputy City Attorney O'Leary responded that it refers to the Sheriff unless there is an alternative security plan such as the one before the Commission tonight.

Commissioner Gleason said that the transporting of devices used to record votes is done by Parking Control personnel, who work for Municipal Transit, and asked if they work under the DoE or the Sheriff, and are they deputized?

Deputy City Attorney O'Leary responded that in this particular case, the initiative on the ballot only affects the Sheriff not other employees.

Commissioner Gleason asked if the Sheriff has a "free hand" in selecting any one to assist in the task of security and transportation?

Director Arntz responded that the Department of Parking and Traffic will choose the employees who will pick up the recording devices on election day from the polling places. Although employees from other departments in the city could be chosen to do this work, the Parking and Traffic workers have the vehicles, and the structure that provides the discipline



ELECTIONS COMMISSION
City and County of San Francisco

Richard P. Matthews, President
Jennifer Meek, Vice President
Gerard Gleason
Victor Hwang
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

SPECIAL MEETING
Elections Commission

Wednesday, August 23, 2006 at 4:00 PM
City Hall Room 048

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AUG 18 2006

ORDER OF BUSINESS

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
4. **Discussion and possible action on status of current voting system used by the Department of Elections.** This item will include an update on the status of certification of the entire voting system for Ranked Choice Voting. The Commission has invited Susan Lapsley of the Secretary of State's Office and Lou Dedier of Elections Systems & Software to appear.
5. **Discussion and possible action to hold certain future meetings of the Elections Commission at locations around the City for the purpose of community outreach.** (Commissioner Arnold Townsend)
6. **Public comment** on any issue within the Elections Commission's general jurisdiction.

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ADJOURNMENT

Disability Access

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**Minutes of
SPECIAL MEETING**

**San Francisco Elections Commission
with
Assistant Secretary of State for Elections, Susan Lapsley
and ES&S' V.P./Regional Account Manager, Lou Dedier
Regarding Status of Current Voting System**

**Held at City Hall, Room 048
Wednesday, August 23, 2006**

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 4:14 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Jennifer Meek, Michael Mendelson, and Victor Hwang, Director John Arntz and Deputy City Attorney Ann O'Leary.
3. **Public Comment** on any issue within the Elections Commission's general jurisdiction. *Steven Hill* said that the letter from ES&S (which is attached to these minutes) states that they will be testing the Eagle machine. He asked if this means the 4C is not being tested and can possibly be used for the November 2006 election?
4. **[The following item was taken out of order] Discussion and possible action to hold certain future meetings of the Elections Commission at locations around the City for the purpose of community outreach.** (Commissioner Arnold Townsend)
The Commissioner reminded the members that last year several Commission meetings were held away from City Hall to maximize the number of times the City's voting equipment could be shown to voters as well as to increase the Commission's contact with citizen's who may or may not get to City Hall for a Commission meeting. Last year those meetings were held in communities that would be using RCV (Ranked Choice Voting) for the first time at the November 2005 election.

Commissioner Townsend suggested that this be done again for the November 2006 election, and he hoped to get community organizations to host an Elections Commission meeting. The goal would be to get a turnout of those organizations' members and others from the community. He added that the political clubs be notified of the meetings as well. The Commissioner reminded the members that the coming election would involve the even-numbered districts. He suggested that for the months of September and October, one of the two regularly scheduled meetings be held in City Hall and the other be held at a community location. He said that he would work with the Commission Secretary to get a location for the meeting in September.

Commissioner Mendelson MOVED that Commissioner Townsend work with Shirley Rodriques, Commission Secretary to develop a regular off-site schedule of meetings in communities for Election Commission meetings.

Commissioner Hwang informed the Commission that the Immigrant Rights Commission has been holding "rotating" meetings in various communities in San Francisco that have been well attend. One of those meetings was in District Ten. He suggested that the Commission contact the Immigrant Rights Commission for more information.

President Matthews said that his concerns were that the public has easy access via public transportation and public parking to the regular meetings at City Hall. He said that this might not be the case at a community location, and reminded the Commission that most of the meetings off-site last year were poorly attended unless they were in conjunction with another community event.

Commissioner Townsend said that his reason for having community meetings was to demonstrate the accessibility of the Elections Commission.

Public Comment. *Steven Hill* said that the subject of RCV should be on the agenda of any community meeting. *David Pilpel* said that responsibility for the community located meetings should be given to Commissioner Townsend and the Commission Secretary. He reminded the Commission that a fifteen day notice must be posted before any meeting off-site could occur. Mr. Pilpel also said that it would be advisable not to handle regular commission business at off-site meetings.

ACTION: It was decided that the first off-site meeting for the November 2006 election be held on Wednesday September 20 and the second one on October 18, 2006.

5. Discussion and possible action on status of current voting system used by the Department of Elections. This item will include an update on the status of certification of the entire voting system for Ranked Choice Voting. The Commission has invited Susan Lapsley of the Secretary of State's Office and Lou Dedier of Elections Systems & Software to appear.

President Matthews announced that Ms. Lapsley along with Bruce McDannold of the Secretary of State's Office were delayed. He said that Lou Dedier would not be attending but had submitted a written report. President Matthews summarized the Dedier report as follows (a copy of the memorandum is attached to these minutes):

- August 30, 2006 is the date the equipment will be tested in Omaha, Nebraska.
- The SoS has issued public notice for September 19, 2006 as the date for the hearing on the certification.
- Mr. Dedier has invited a Commissioner to attend the testing in Omaha.

President Matthews welcomed Susan Lapsley and Bruce McDannold to the meeting. Ms. Lapsley said that her office has been urging ES&S since April 2006 to get their equipment tested, and that Director Arntz had been part of those conversations. An actual application from ES&S was not received until August 3, 2006. Information about the protocols for testing, what needed to be done regarding RCV and a testing schedule was formulated. The actual testing will happen on August 30 and 31st in Omaha, and public hearings will take place in Sacramento on September 19. There is one week of written public comment from people who are unable to attend the September 19th hearing, and then it is up to the Secretary of State to make his decision.

Commissioner Mendelson asked Ms. Lapsley if ES&S had been responsive, and respectful, as the City's vendor, to her office. Ms. Lapsley said that the office had some frustration with ES&S, because, from a "very early point we've been saying 'you've got to get an application. This has to go through testing.'"

Ms. Lapsley said the SoS issued ten new requirements for voting systems last October. She said that the SoS made it clear to ES&S that the previous certification was a conditional one from April 2004, and that the previous SoS had said it would review the system and make a determination regarding a permanent certification. Another conditional certification was granted in March 2005, and it was valid until December 31, 2005. There was no permanent status ever given to the certification. Ms. Lapsley said it was frustrating that ES&S did not contact the SoS until May 26, 2006.

Ms. Lapsley said she had read the transcript of the ES&S presentation to the San Francisco Elections Commission by Mr. Dedier, and that she understands he has said that the SoS was responsible for "dragging our feet", but the truth was the SoS had been "asking all along for an application for testing" from ES&S.

Commissioner Gleason said the letter from ES&S talks about testing the Eagle machine, but not the RCV components, it doesn't mention the PCM card (that captures the image) and the C4 or AutoMark (which is needed for the HAVA requirements). Ms. Lapsley replied that the testing will be for the "whole suite of products, plus RCV". She reminded the Commission that the Eagle, by itself, without the RCV component, is already certified. Ms. Lapsley said that ES&S has two applications: The whole suite is one, and the Eagle with RCV is the other. If portion of the application fails, historically, a certification for everything that did not fail can be granted.

Public Comment. *Steven Hill* gave his view of the parties responsible for the delay in certification and his warnings about the delay.

Director Arntz reminded the Commission that the Secretary of State has been examining many kinds of election equipment in the last six months and has made every effort to accommodate different vendors and different counties. He said that the fact that the SoS was trying to consolidate the RCV testing with the ES&S testing next week, is an example of the state's efforts to make sure that the system is working properly for RCV and certifiable. The SoS

has been making a great effort to get RCV going in San Francisco for November.

Chris Jerdonek asked if a non-RCV component of the Eagle fails in the testing, will that mean San Francisco will not be able to use the Eagle in the election? *Susan Lapsley* responded that the "Eagle is a separate unit without RCV that is already certified. What we are testing is the functionality of the RCV relating to the Eagle. That is a very limited test, that's what we're testing." *David Pipel* said that the meeting today was very helpful in understanding the equipment and the testing requirements. He said that he had concerns about explaining RCV procedures to users of the AutoMark for November.

Bruce McDannold said that he had not yet been given the technical documentation of how the AutoMark will accommodate RCV from ES&S. He has insisted that this is part of the testing, and the SoS expects to see a demonstration of this accommodation, and in the languages that San Francisco uses next week in Omaha.

David Pipel said that his concern was whether the Department would be able to meet its accessibility requirement if the AutoMark can't accomplish the RCV component in the testing.

5. **Public Comment** on any issue within the Elections Commission's general jurisdiction. *David Pipel* suggested that the Commission look into whether ES&S has properly performed its contracted responsibilities, and if not, the Department seek damages and any other opportunities against them, and that the Department look at another company immediately after the November election for our election equipment. *Steven Hill* said it has been a challenge to get information to the Commission that he thinks is helpful.

ADJOURNMENT at 5:17 pm

ATTACHMENTS:

Louis W. Dedier
Vice President, Regional Account Manager West US
Election Systems & Software
3349 Feltham Way
Sacramento, California 95827
Office 916 361-2107

Mr. Richard P. Mathews
President
San Francisco Election Commission

Regarding: RCV UPDATE

I wanted to take an opportunity to provide further information on Election System & Software's development of a ranked choice voting solution for use in the upcoming November election. ES&S has been meeting with officials in the Secretary of State's office on a continual basis, and importantly, we have outlined a testing plan for the San Francisco ranked choice voting system in its entirety.

The testing platform provided for the upcoming testing shall be a general election with RCV contained within. This testing will be performed using a limited number of precinct and we will also demonstrate a split precinct within the purposed testing platform.

The system used for the testing will be an Eagle Machine from the San Francisco inventory, testing is set to take place next week August 30, 2006, the Secretary of States office has already issue a public notice for the certification slated for September 19, 2006. At this time ES&S in continually test preparation for the upcoming testing event with the Secretary of State Office who has been extremely responsive in working through this issue.

I will continue to keep the San Francisco Election Commission updated with ES&S' progress, at this time we would ask if you or one of your other members would like to attend the testing in Omaha, we will also extend this invite to Mr. John Arntz, please let us know if you would like to attend and we can help with accommodation and direction to the testing location. Thank you to you, and to the commission, for your ongoing support for these efforts. We look forward to smooth running elections in November and obtaining certification of the purposed system after the September 19, 2006 public meeting.

Sincerely,

Louis Dedier

VP, Regional Account Manager

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ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Jennifer Meek, Vice President
Gerard Gleason
Victor Hwang
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, September 6, 2006 at 7:00 pm
City Hall Room 421

ORDER OF BUSINESS

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1. **CALL TO ORDER**

SEP 6 1 2006

2. **ROLL CALL**

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3. **FLAG SALUTE**

4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.

5. **Discussion and possible action on status of current voting system used by the Department of Elections. This item will include an update on the status of certification of the entire voting system for Ranked Choice Voting.**

6. **Director's Report**

- Update on re-certification of voting equipment for RCV
- Update on preparation for November 7, 2006 Election

7. **Commissioners' Reports**

- Meetings with public officials
- Meetings with nongovernmental organizations
- Oversight and Observation activities
- Long-range planning for Commission activities and areas of study

8. **Discussion and possible action to approve the minutes for the Commission meeting of August 16, 2006, and the Special Meeting of August 23, 2006.**

9. **Discussion of possible future voting systems in San Francisco after the November 2006 election.**

10. **Discussion and possible action regarding sending a Commissioner to observe the Secretary of State's testing of voting equipment at Election Systems and Software Headquarters in Omaha, Nebraska, which occurred August 31, 2006.**
11. **Discussion regarding items for future agendas**
12. **Public comment on any issue within the Elections Commission's general jurisdiction.**
13. **Announcements**

ADJOURNMENT

Disability Access

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City and County of San Francisco
Elections Commission
Approved: October 4, 2006
Minutes of the Meeting at City Hall Room 408
September 6, 2006

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CALL TO ORDER. President Matthews called the meeting to order at 7:08 pm.

ROLL CALL. PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Jennifer Meek, Victor Hwang, Michael Mendelson and Deputy City Attorney Ann O'Leary, Director of Elections John Arntz.

Discussion and possible action on status of current voting system used by the Department of Elections. This item will include an update on the status of certification of the entire voting system for Ranked Choice Voting. Director Arntz explained that the system is still not certified. The SoS (Secretary of State) tested the ES&S (Election Systems and Software) system at Omaha, Nebraska last week. That testing has been completed but the report has to go the Secretary for his review, before it can be certified. The Director was present during the testing. He reported that the SoS demonstrated a "high degree of professionalism". The testing was to have been a one-day event. It was determined at the start of the testing that ES&S couldn't provide the software for the San Francisco equipment test. Obtaining the correct software took three-quarters of the day, and the SoS was very patient during this delay. At the testing, there was one Eagle and one C4 machine for the San Francisco test. The ballots run through these machines did not read the marks that the SoS made on the ballot cards. Both machines were disassembled, checked and reassembled, but the problem of not reading the ballots continued. It was discovered that ES&S had supplied the SoS with the wrong pens to mark the test ballot cards. Using the correct pens is important because of the carbon content in the ink. It should be noted that the SoS staff had spent three hours the previous night marking the ballots for this test. The SoS now had to remark all the test ballots. This was not accomplished until the second day.

Director Arntz reported that he was advised by the SoS last Friday that the testing of the RCV was completed, the ballot cards were finally read after the correct pens were used. The AutoMARK was able to include the audio files in Cantonese.

In conducting the testing process, the SoS discovered a problem with the tie votes for RCV (Ranked Choice Voting). Mr. Arntz explained that if the candidates with the least amount of votes are tied, but the combination of their votes are less than the next highest-vote-getting candidate, those candidates are supposed to be eliminated and those votes re-allocated. The software cannot eliminate and reallocate the votes. There needs to be a process developed for the tie vote possibility.

Mr. Bruce McDannold's report on the results of the ES&S testing will be released next week.

4. Director's Report

Director Arntz reported that two ballot cards are being printed for the November election, and the DoE is awaiting materials to be translated by the SoS for two other ballot cards. A fifth card is being sent to another translator for formatting. The VIP (Voter's Information

Pamphlet) is on schedule for completion, and the Director is expecting it to be in the mail 29 days before the election.

The Department is currently verifying the signatures on the referendum petition regarding the Bayview Hunters Point Redevelopment Plan Ordinance. The "raw count" of the total number of signatures has been completed and a 3% random sampling is currently being conducted of the signatures collected. There are 33,000 signatures on the petition. It is likely that the Department may have to certify each of these signatures. The expense to do this was not anticipated in the DoE's budget request, and the Director has been discussing it with the Mayors office recently.

The Pollworker's Manual will be going to the printer tomorrow. Recruitment for pollworkers has begun now that that division's staff has returned to the payroll.

Commissioner Meek asked about the status of the Election Plan. Director Arntz said that he will be working on completing it before E-55 (55 days before the November election).

5. Commissioners' Reports

President Matthews reported that he went to Omaha to observe the certification testing of the City's election equipment by the SoS. Mr. Bruce McDannold led the SoS team. The state team constantly reviewed the "change logs" that all manufacturer's must keep to note all the changes made to their equipments' soft/hard/firmware. This particular process used to take two hours for the SoS to review, but currently takes up to fourteen hours because manufacturers wait longer to have their changes reviewed, and more changes are made between seeking certifications to the equipment because it is expensive and inconvenient.

President Matthews' notes on his visit to the testing are attached to these minutes.

President Matthews' conclusion of the testing was: SoS's team was very professional, they do a very thorough job of testing by stripping down the voting equipment and then adding the software and firmware that the manufacturers provide (from trusted sources, i.e., escrow, county, ITA) and check to be sure it is the same code as previously submitted.

The Commissioner said that he observed a process where the ballot is printed at the precinct, therefore there are no pre-printed cards. The vote is marked on the AutoMARK device, it works in your language, once a person votes, the vote is printed, the vote inspects his/her ballot and walks it over to the tabulator.

Commissioner Meek asked that the information about the thoroughness of the SoS's testing be posted to the Department's website. President Matthews said that these minutes will be one way of getting the information to the public. Director Arntz said that the SoS records all of its actions regarding the testing, and that he could obtain this information for the website.

Commissioner Townsend said that, based on what he's heard today about the non-preparedness of ES&S for the testing, he has no confidence in ES&S. He said that the Commission and Department may have to constantly monitor ES&S, even after certification until election day, because they are not paying enough attention to details, even details as simple and important as providing the correct pens for voters to use.

Commissioner Mendelson said that it seemed that ES&S doesn't have any testing protocols.

He said that the company doesn't appear to be showing the proper respect to their client, the San Francisco Department of Elections. The Commissioner said he would like to see more competition for the business because ES&S has shown that it is not reliable.

Public Comment. *Roger Donaldson* said that testing the machines before and after an election, and posting of the results is very important. He said that he worked at the polls in the last election and that one out of five of the AutoMARKs had difficulty reading ballots and that this information should be collected and examined. *David Pilpel* said that he is encouraged by the reports but concerned by the problems reported with the vendor. He said that he hoped this election would be the last one in which the Department would use those services.

Commissioner Townsend reminded the Commission that "The test was held at their (ES&S's) house", and asked how it was possible for them to be unprepared. Director Arntz said that there was a constant stream of ES&S staffers coming and going during the testing, but there was no one person from ES&S in charge and no "check list". Director Arntz said that the state has protocols, but he saw no evidence that ES&S has such a check list.

6. **Discussion and possible action to approve the minutes for the Commission meeting of August 16, 2006, and the Special Meeting of August 23, 2006.** Commissioner Townsend MOVED and Commissioner Gleason SECONDED approval of the minutes. The roll call vote was unanimous.
7. **Discussion of possible future voting systems in San Francisco after the November 2006 election.** President Matthews said that this item was suggested by the Director because he wants as much Commission and public input in the selection as possible. The subject will appear in future agendas. President Matthews said that he welcomes competition from not just two but four potential vendors. He said that more competition breeds better ideas.

Director Arntz said that another reason this item is up for discussion is to give notice to the City and to the public that a new voting system will be coming next year. The contract must be completed by December 31, 2006. After that date, any federal money spent for the HAVA (Help America Vote Act) has to go ONLY to accessible voting equipment such as touch-screens or AutoMARKs. But completing a contract before that date allows the City to get ANY voting equipment that's been certified to the 2002 voting standards. The contract will be more than 10 million dollars. Any contract for over that amount, has to have the approval of the Board of Supervisors. The Department needs to start negotiating the contract before October 2006. The timing of the Board of Supervisors' process is very important to meet the deadlines.

Commissioner Mendelson said that he would like to see "teeth" put in any new contract to cover equipment maintenance.

Commissioner Townsend said that he would like to know when the Sequoia company plans to have its equipment certified for RCV. Director Arntz said that he would invite representatives of that company to the next regular Commission meeting to provide an update of their certification.

Public Comment. *David Pilpel* asked if there was a deadline for an RFP to be finalized because if both parties agree in one year but the actual contract is not signed until a year later the amounts may have changed. He said that because ES&S has been mentioned negatively at Commission meetings, he didn't want them to protest the selection of another vendor and have the process delayed because of their protest. *Roger Donaldson* asked if the December 31, 2006 deadline was in the state plan or in the HAVA plan, because if it were a state requirement it could be amended. He said that he has a number of letters from other counties who say they prefer Sequoia over ES&S because of their customer service. *Derek Turner* said that he'd like to see some "open standards" where any company can replace another without a huge transition cost.

8. Discussion and possible action regarding sending a Commissioner to observe the Secretary of State's testing of voting equipment at Election Systems and Software Headquarters in Omaha, Nebraska, which occurred August 30 and 31, 2006.

Commissioner Gleason MOVED to make this motion retroactive and to approve it; Commissioner Meek SECONDED. President Matthews gave a review of the events that led to this late approval. The invitation for a Commissioner to attend the testing came on the day of the Commission's last meeting, therefore it couldn't be discussed because it was not on the agenda for that meeting. The trip didn't qualify as an emergency, and the earliest that a special meeting could have happened was the day before the travel was to commence to arrive for the beginning of the testing. Commissioner Mendelson asked who was going to pay for the trip. President Matthews said that although payment was not part of this agenda item, it would be within the Director's discretion whether to approve Department funds for the trip or, if it is declined, it would be paid by the personal funds of the person who went, Commission President, himself. Commissioner Mendelson said, "then why don't you just pay for it". President Matthews replied, again, that this was not part of the discussion.

Deputy City Attorney O'Leary offered clarification of Commission oversight. She said that in the matter of budget and expenditures, the Commission votes on the overall budget for the DoE. But the Commission does not have a role and responsibility for approving or directing expenditures on an individual basis. This is the responsibility of the Director of Elections. The Commission does not have a budget that is separate from the DoE. There is a minimal amount of funds used for incidentals needed for the Commission. But in this instance, it would be the Director who will make the determination of payment for the expense of a Commissioner to observe the testing of the voting equipment.

Commissioner Mendelson asked the Deputy City Attorney if the Commission can ask for retroactive approval as requested in this agenda item.

Deputy City Attorney O'Leary answered that trip fits within the oversight of the Commission, and if it had been scheduled at a meeting prior to the trip, budget concerns could have been discussed, or a special meeting called, but the best thing to do at this time is to vote on whether to approve the trip retroactively.

President Matthews said that the total cost for the trip was \$604.00.

Commissioner Gleason said that he SECONDED this motion to put it forward in the spirit of "catching up" with the process, although he is aware that the process is not supposed to work this way. This was an important and necessary trip.

Public Comment. *Roger Donaldson* said that going to Omaha to observe the testing was an important part of the Commission's responsibility and he was glad that someone was there. *David Pilpel* asked what would be the effect if this motion is not passed, does it effect the possibility of reimbursement.

Deputy City Attorney O'Leary replied that there are two effects of this motion: allowing a discussion regarding how to handle a similar situation in the future; and to put on the record whether the Commission believed that President Matthews' trip fell within the responsibilities of the Commission. Therefore, the Commission goes on the record as believing that the trip was an important part of the Commission's responsibilities; and it allows Director Arntz to make a determination whether the Commission thought this was in the best interest of the Commission as he makes his discretionary determination regarding whether official funds should be used for this purpose.

A Roll Call Vote to approve sending a Commissioner to observe the Secretary of State's testing of voting equipment in Omaha, Nebraska was as follows: Gleason – yes, Townsend-yes, Hwang – yes, Meek – yes, Mendelson – no, and Matthews – yes. MOTION CARRIED.

9. **Discussion regarding items for future agendas.** Commissioner Mendelson asked about the Annual Report. Commissioner Hwang asked that ES&S and Sequoia be invited to the next Commission meeting. Commissioner Townsend said that he has contacted three organizations about the Special Meeting on September 20, 2006, and asked them to turn out their members to attend. He said he was assured that the information will be dissimulated to the members of the organizations.
10. **Public Comment.** *Roger Donaldson* said that he would like the Commission to review why the selection of a voting system is happening now, explain that all other alternatives have been explored, and that there is a good reason to spend another \$10M. *Derek Turner* said he's been a poll inspector for the last three elections and he would like to know how that recruitment is going.
11. **Announcements.** Commissioner Gleason announced that on Friday evening, at 9:00 pm, PBS will be airing a special program, "NOW". The program will show various voting systems and will be profiling San Francisco's equipment. President Matthews announced that the next Commission meeting will be at a different time and location. He invited the public to come to the Bayview Police Station, 202 Williams Street between Third and Bayshore, at 6:00 pm, on Wednesday, September 20, 2006, for the next meeting

ADJOURNMENT at 8:30 pm.

ATTACHMENT:

**Commission President Richard P. Matthews' Observations
of the Voting Equipment Testing in Omaha, Nebraska.**

- Bruce McDannold from SoS office; the consulting firm of Freeman, Craft, McGregor Group, and a few more younger people (not sure if they were SoS or FCM). They arrived over the previous couple of days to prepare for the test:
 - Test decks
 - Change logs (used to take 2 hrs for SoS to review; now 14+, b/c mfrs are waiting longer to seek recerts b/c expensive)
- ES&S is located in an office bldg that also contains the radio station that is part of the same company. Most of the testing took place in a conference room in the corporate offices: Eagle Optech and Eagle IV-C onhand, later an AutoMark was brought in.
- ES&S provided a computer that had been stripped down to just the Windows operating system. SOS/consultant checks it to make sure there's nothing on it.
- Then SOS loads the software and firmware from a "trusted source" – escrow, county, ITA, etc. – and then does a "hashmark" check to see whether any changes to the software have been made that the SOS didn't already know about. This takes hours. And there are a few programs that must be loaded on, not just one. Each must be loaded and each must be checked for any changes. Most of the first day was given over to this.
- Also on Day 1, SOS prepared a test deck of around 40 ballot cards per precinct for 4 precincts, 2-sided, some RCV contests and some not. They contained overvotes and undervotes, and were configured to meet several testing conditions:
 - RCV contest with a winner in the 1st round
 - RCV contest w/ no winner in 1st round and a tie for lowest current voteholder
 - RCV contest w/ a tie.
- Day 2. Continuation of loading software and firmware. Finally, around 11:30 a.m., they started running the test deck through the big Eagle IV-C, and a problem was detected on one of the ballots: the report was showing 3 undervoted cards but the team could only identify 2 such cards visually. Finally, they figured out that the machine was not picking up a thin mark that was at the top edge of the arrows on the ballot card. The ES&S folks then recalibrated the IV-C so that it would read a little wider, and this wasn't doing the job. The SOS team went on to other things, like the precinct Optech Eagles and the AutoMark set up, while ES&S continued trying to adjust the IV-C. Finally, after 4 ½ hours, someone finally figured out that the SOS had been given the wrong pens for the ballots, not the ones that contain graphite like our precinct pens have. When marked with the right pens, things went more smoothly. We had to leave for the airport, but at the airport, I received a call from Lou Dedier saying that the remainder of the test decks had been tested across all machines, that the AutoMark had been tested, and that the SOS team had "no issues."
- Volume testing was going on in Orange County yesterday, today, and tomorrow. ES&S was hiring 50 temps to fill out ballots all day for a couple of days on AutoMark machines, and possibly some ballots not on AutoMarks. Obviously, this stuff has stood up to the most rigorous volume tests there are: actual elections in SF.

Conclusions and Observations

- The SOS does a really thorough job of testing. They start with stripped down machines and add layer by layer the software the manufacturer previously provided, and then check to be sure it's the same thing that was previously submitted.
- I asked one of the consultants – who has done it all and seen it all and tested it all – whether he thought he could swing a few votes in a given contest, not throw 60,000 votes to

a given candidate but maybe a few hundred here and there. He said he could not, that there was really no way of doing that provided that counties do a decent job of guarding the precinct equipment once it is programmed. His opinion, and mine, is that the number of people who would have to be involved and the amount of access that would have to be given to someone who was trying to manipulate the vote count would make it practically impossible, while theoretically possible.

- In the warehouse where they assemble a lot of their machines, I saw the one for New York State: imagine 3 large AutoMark screens bolted together side by side. NYS law apparently holds that the entire ballot must be visible to the voter at once.
- And ES&S mentioned that this stuff is getting discontinued and the next generation will be available early next year. They swore that the precinct Eagle Optechs would be every bit as rugged as the current ones—one of the things that those of us who have worked at precincts will attest to is that the precinct Optechs are almost indestructible.

ELECTIONS COMMISSION
City and County of San Francisco



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Jennifer Meek, Vice President
Gerard Gleason
Victor Hwang
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

**PLEASE NOTE SPECIAL LOCATION
AND TIME
FOR THIS MEETING**

Elections Commission Meeting
Wednesday, September 20, 2006, at 6:00 pm
Bayview Police Station
201 Williams Street
(Between Third Street and Bayshore Boulevard)

ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Special presentation** regarding the Elections Commission's responsibilities, the Elections Department and an explanation and demonstration of the voting equipment that will be used in the November 2006 election's Ranked Choice Voting.
6. **Discussion** of possible future voting systems in San Francisco after the November 2006 election.
7. **Public Comment** on any issue within the Elections Commission's general jurisdiction.

ADJOURNMENT

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John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

**Minutes of
SPECIAL MEETING**

San Francisco Elections Commission

**Held at The Bayview Police Station
201 Williams Street**

Wednesday, September 20, 2006

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There was not a quorum at 6:00 pm, the noticed start for this meeting. At 6:15, Vice President Meek announced that item 5 would proceed. Charlie MacNaulty, Outreach Coordinator, for the Department of Elections gave a presentation that included a history of Ranked Choice Voting in San Francisco, an invitation to attendees to examine and use the AutoMARK and Eagle voting machines which were displayed at the meeting, and an invitation to contact him for demonstration at other public meetings and events.

1. **CALL TO ORDER.** Vice President Jennifer Meek called the meeting to order when a quorum arrived at 6:37 pm.
2. **ROLL CALL.** PRESENT were Commissioners Gerard Gleason, Victor Hwang, Arnold Townsend and Jennifer Meek. EXCUSED was President Richard Matthews. Commissioner Michael Mendelson arrived at 6:40 pm.
3. **Public Comment.** *Angelo King* said that he had been frustrated over the petitions he saw people signing regarding the Referendum Petition on the Bayview/Hunter's Point Redevelopment Plan because the information on those petitions was not complete. Mr. King said he was very pleased that it failed. *Jade Lai* asked several questions of the Commission about the accuracy of the voting equipment used by San Francisco. Director Arntz responded to the questions and reminded everyone that the accuracy testing of the equipment is open to the public in all of the testing stages. *Dennis Lumsey* said that the Elections Department needs to use residents in his community to help increase voter turn out. *Brent Turner* said that the certification process on "the national level is broken", and suggested that voters not use machines but vote by paper

ballots. *James Bryant* said that “his community needs assistance” and asked the Commission to seek funding for neighborhood groups to assist the Elections department in its efforts to increase voter turn out. *Eddie Catrell* said that he is a member of the community and had just recently heard about Ranked Choice Voting. *Brenda Henry* said that under 70 people voted in her area and that this low number was appalling.

4. **Special presentation regarding the Elections Commission’s responsibilities, the Elections Department and an explanation and demonstration of the voting equipment that will be used in the November 2006 election’s Ranked Choice Voting.** Since the demonstration of the voting equipment occurred before there was a quorum for this meeting, Vice President Meek decided to cover the rest of this agenda item: the Elections Commission’s responsibilities.

Commissioner Gleason said from his experience of working on election day at precincts, it is important that voters are informed by the poll workers that voters “can vote using Ranked Choice Voting” but poll workers are not supposed to say you “should” or you “have to” or you “are required to use Ranked Choice Voting”. The Commissioner said that the precinct workers cannot lead voters, they can only assist. A voter may need more information on election day, but it is not available at the precinct other than the public information that’s available about this option.

Deputy City Attorney Ann O’Leary explained the responsibilities of the Elections Commission. She said that her role is to advise the Commission and the Department of Elections. The seven members of the Commission are appointed by seven City government agencies (Treasurer, Public Defender, Board of Supervisors, City Attorney, Public Defender, Board of Education, and the Mayor), and serve a five-year term. Commissioners help to set the general policies for the Department of Elections and are responsible for the proper administration of the general practices. The Director of the Department is responsible for the day-to-day operations and management of the Department and ensures that elections conform to laws and elections run smoothly. The Director provides an Election Plan to the Commission for approval no later than 55 days before the election and the Commission can ask questions about specific plans at their meetings and have the Director answer those questions on the record.

Commissioner Townsend explained that the Charter establishes that although the Commissioners are appointed by seven City agencies, the Commissioners do not work for those agencies, nor do the Commissioners represent those agencies or their interests. When the voters approved the amendment that created the Elections Commission, they wanted an independent, non-political commission. The Commissioner said that “in reality, we do not run the Department”, and assured the audience that “this Commission begged and pleaded for outreach money from the Mayor’s budget people and the Board”.

Commissioner Victor Hwang introduced himself and echoed Commissioner Townsend's comments. He said that he was particularly interested in outreach and improving voter turnout and wants to see if there is a possibility for "add backs" to the DoE budget.

Commissioner Mendelson said that the fact that the Commission and the Director hold meetings in the community shows that it is seeking more citizen involvement and advice and willing to respond to questions and concerns. He said that it is up to people to assert their rights and vote.

Public Comment. *Angelo King* said that if the DoE is working with organizations with 501 c (3) tax exemptions, they must be informed of their limitations regarding political activities. *Brent Turner* asked that poll workers use the word "option" rather than "opportunity" to voters regarding Ranked Choice Voting. *Ronald Donaldson* said that he lived in the Bayview district and that he was glad to see the Commission holding its meeting here and that he'd like to see the DoE spend more money on outreach instead of new equipment.

5. **Discussion of possible future voting systems in San Francisco after the November 2006 election.** Vice President Meek reviewed the purpose of this item on the agenda and explained that the Director had asked the Commission to have public hearings on this subject so that the public could have input.

Commissioner Hwang asked if the Director had any news regarding the status of the DoE's discussions regarding future voting system. Director Arntz replied that there has been no change since the last Commission meeting. The Department will be using the ES&S equipment for the November 2006 election but there has been no decision regarding the voting equipment after that election. The deadline for that decision is December 31, 2006.

Commissioner Townsend explained that there has been displeasure with the performance of ES&S and that this discussion is to see what the Department might choose to use after November 2006. He said that the President of the Commission was expected to lead the discussion at this meeting but he was unable to attend. The Commissioner reminded the audience that the Commission meets twice a month at City Hall.

Commissioner Gleason said that there are funds available to the Department from the Help America Vote Act that "sunsets" at the end of 2006. The DoE has to have a contract in place to select new equipment in order to receive these funds. Additionally, it should be noted that the Eagle voting machine is not going to be valid as an acceptable system after 2006. We have to work on this because it must go through the Board of Supervisors shortly, and we want to have public comments to be forwarded, possibly with a recommendation from the Commission to the Board, which must approve the final contract.

THIS ITEM HAS BEEN FORWARDED TO THE ELECTIONS COMMISSION'S BUDGET AND OVERSIGHT OF PUBLIC ELECTIONS COMMITTEE.

6. **Public Comment.** *Bret Turner* said that there are papers with the San Francisco District Attorney regarding failures in certifications. *Carol Bella* passed out documents that she said would be of interest regarding how new technology can cause trouble to voting machines. Commission Townsend reminded the speaker that the City does not use Diebolt equipment and will not because that company does not have equipment for RCV. *Jennifer Hammond* said she didn't trust the technology in voting machines.
7. **Public Comment on any issue.** *David Pilpel* said that he "absolutely" believes that all legal votes cast in San Francisco will be counted and that people should not be in fear that their vote will not. *Bret Turner* said that people should pay attention to all the scientific studies on election equipment that say the machines are not secure. *Roger Donaldson* said he had concerns about the current and future equipment but that it would be good to spend the ten million dollars, instead, on outreach.

ADJOURNMENT @ 7:39 pm.

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Arnold Townsend

John Amtz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, October 4, 2006 at 7:00 pm
City Hall Room 421

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ORDER OF BUSINESS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Director's Report**
 - Update on re-certification of voting equipment for RCV
 - Update on preparation for November 7, 2006 Election
6. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
7. **Discussion and possible action on status of current voting system used by the Department of Elections.**
 - This item will include an update on the status of certification of the entire voting system for Ranked Choice Voting.
 - An ES&S (Elections Systems and Software) representative has been invited to discuss the current status of their voting equipment for the November 7, 2006 election.

09-29-06P02:43 RCV

8. Committee Reports

The Budget and Oversight of Public Elections Committee met on Tuesday, September 26, 2006. (Chairperson Gerard Gleason)

9. Discussion of possible future voting systems in San Francisco after the November 2006 election.

- Discussion by Deputy City Attorney Ann O'Leary on the role of the Elections Commission in the selection of voting systems, the Department of Elections options for selecting a voting system to be used after the November 2006 election, and an overview of HAVA's requirements regarding the purchasing of voting equipment.
- Report from the Budget and Oversight of Public Elections Committee and its recommendation regarding holding hearings and receiving public input and recommendations, at the soonest possible date, regarding voting equipment for future elections and the possible use of funds provided under the Help America Vote Act (HAVA). (Commissioner Gleason)
- Discussion and possible action to hold hearings and receive public input and recommendations, at the soonest possible date, regarding voting equipment for future elections and the possible use of funds provided under the Help America Vote Act (HAVA)
- The Director of Elections will provide an overview of the funding and purchasing of new voting system.
- A Representative of Sequoia Voting Systems has been invited to attend this meeting and demonstrate their voting equipment.
- A Representative of Election Systems & Software has been invited to attend this meeting and demonstrate their voting equipment.

10. NEW BUSINESS

- (a) **Discussion and possible action to approve the Elections Commission minutes for September 6, 2006 and the minutes for the Special Meeting held September 20, 2006.**
- (b) **Report from the Budget and Oversight of Public Elections Committee and its recommendation regarding the Election Plan for the November 7, 2006 Consolidated Election. (Commissioner Gleason)**
 - Discussion and possible action to approve the Election Plan for the November 7, 2006 Consolidated Election.
- (c) **Report from the Budget and Oversight of Public Elections Committee and its recommendation regarding approval of a Waiver Allowing City Employees to Assist the Department of Elections with the November 7, 2006 Consolidated General Election. (Commissioner Gleason)**

- Discussion and possible action to submit a request to the Board of Supervisors for a waiver allowing certain City employees to work on the November 7, 2006 Consolidated Election.

(d) Discussion and possible action regarding the U.S. Department of Justice memorandum dated September 12, 2006, pertaining to San Francisco's compliance with the Voting Rights Act. (Commissioner Matthews)

(e) Discussion and possible action on legislation related to amendments to the Municipal Election Code. Supervisors Fiona Ma and Sean Elsbernd have proposed legislation.

(f) Discussion and Possible Action on Attendance Policy for the Commission.

11. Discussion regarding items for future agendas

12. Public comment on any issue within the Elections Commission's general jurisdiction.

13. Announcements

ADJOURNMENT

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Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CI.SF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

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City and County of San Francisco
Elections Commission
Approved: January 3, 2007
Minutes of the Meeting at City Hall Room 421
October 4, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:04 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Jennifer Meek, Michael Mendelson and Deputy City Attorney Ann O'Leary, Director of Elections John Arntz. Commissioner Victor Hwang arrived at 7:05 pm. Commissioner Arnold Townsend arrived at 8:07 pm.
3. **Public Comment.** *Jade Lai* said that she hoped the Commission and the Department would be careful in their selection of voting equipment because she was concerned with system failures and security.

4. **Director's Report**

Director Arntz reported that he had been in touch with the Secretary of State's office (SoS) and was advised that the report on RCV (ranked choice voting) in San Francisco was not completed. However, the SoS did indicate that there were no significant issues related to certifying the system at the current time.

The Director gave the following report regarding preparations for the November 7, 2006 election: Voter Information Pamphlets are expected to be in the mail starting October 10 (October 9th is a legal holiday and no mail will go out on that date); precinct ballot deliver will be complete by the week of October 9; absentee ballots will be mailed starting October 10th with 60,000 mailed on that day, 60,000 on October 11th, and the remainder on October 12th; the recruitment of pollworkers is nearly completed; the phone bank began operation last week; and voters in even-numbered districts will begin to receive an RCV mailer developed by the DoE's Outreach Division.

5. **Discussion and possible action on status of current voting system used by the Department of Elections.**

Director Arntz gave an update on the status of certification of the entire voting system for Ranked Choice Voting during his report earlier in this meeting

Mr. Steve Dennison, an ES&S (Elections Systems and Software) representative made a presentation regarding the current status of their voting equipment for the November 7, 2006 election.

6. **Committee Report: The Budget and Oversight of Public Elections Committee met on Tuesday, September 26, 2006. (Chairperson Gerard Gleason).** The Budget & Oversight of Public Elections Committee met on September 26, 2006. The Committee discussed several agenda items, most of which are forwarded to the meeting tonight, therefore the Committee will report in turn as each of those items comes up.

7. Discussion of possible future voting systems in San Francisco after the November 2006 election.

Commissioner Mendelson asked that this item be taken out of order on the agenda and put at the end. President Matthews declined. Commissioner Mendelson appealed the ruling of the chair. A Roll Call Vote was taken. Commissioners: Townsend - No; Mendelson - Yes; Hwang - No; Gleason - No; Meek - No; Matthews - No. The appeal FAILED 5 to 1.

The Budget & Oversight of Public Elections Committee Chairperson, Gerard Gleason reported that the Committee asked that the Deputy City Attorney give an overview of the duties, involvement and restrictions on the Commission in the selection process of a new voting system. The Committee requested that the Department of Elections give a brief overview of the systems under consideration, the funds available for such a system, any relevant deadlines on purchasing a new system or access to funds for sources outside of the City & County of San Francisco.

Deputy City Attorney Ann O'Leary explained that the DoE has \$5.4 M in HAVA (Help American Vote Act) Funds, and orally presented her written report that is attached to these minutes.

Public Comment – The Commission allowed for a period of public comment after Deputy City Attorney O'Leary's report. *Roger Donaldson* questioned the interpretation of Section 301 of HAVA. Mr. Donaldson suggested that Section 301 could be interpreted to mean that only HAVA funds provided *after* January 1, 2007 need to be used to purchase accessible voting equipment. He suggested that under this interpretation the \$5.4 million received by San Francisco could be used after January 1, 2007 so long as there is one accessible voting machine in each polling location. Mr. Donaldson reported that he had discussed this interpretation with staff at the Federal Election Assistance Commission and at the Secretary of State's office. *Chris Jerdonek* spoke in support of holding a public forum on what San Francisco's next voting equipment contract should contain. He stated that San Francisco's current implementation of RCV could use a number of improvements, particularly in the way of reporting results. By accepting public feedback, the Department of Elections can understand what improvements need to be made.

Roger Donaldson provided the following statement to be included in these minutes: Deputy City Attorney O'Leary provided a memo rendering a legal opinion that the SF Department of Elections must commit to a contract by 31 Dec 2006 if HAVA monies are to be used to purchase non-accessible voting equipment based on 301(a)(3)(C). 301(a)(3)(C), however, clearly states "funds made available...after January 1, 2007". All funds currently available to SF are already appropriated and allocated and thus this section has no effect on the money currently available in California under HAVA. Furthermore, HAVA Title II (regarding payments) sections 252(e) and 257(b) assure that monies already allocated don't expire and remain available until expended.

I confirmed this understanding with Mr. Edgardo Cortes of the US Elections Assistance Commission (US EAC). I subsequently spoke with Mr. Chris Reynolds, HAVA coordinator for CA SoS who said he would follow-up with the US EAC on this matter. Full text of HAVA and cited sections is available at: <http://www.fec.gov/hava/hava.htm>.

Commissioner Gerard Gleason, Chairperson of the Budget and Oversight of Public Elections Committee reported the committee's recommendation regarding holding hearings to receive input and recommendations regarding voting equipment for future elections and the possible use of funds provided under the Help America Vote Act.

Commissioner Mendelson asked to close debate and move the subject of holding hearings to receive input and recommendations regarding voting equipment for future elections to the Budget and Oversight of Public Elections Committee (BOPEC). Commissioner Mendelson wanted a vote regarding whether the hearings should be held by the BOPEC Committee or the full Commission. The President ruled it out of order. Commissioner Mendelson appealed the ruling. A Roll Call Vote was taken. Commissioners: Townsend - Yes; Mendelson - Yes; Hwang - No; Gleason - Yes; Meek - No; Matthews - No. The appeal FAILED 3 to 3.

The Commission decided to await more information regarding the state's understanding of the HAVA funding and its limitations and deadlines before scheduling any hearings. Deputy City Attorney O'Leary will be making inquiries regarding these questions and will inform the Commission and Director of her findings.

Steven Bennett, a Systems Sales Representative for Sequoia Voting Systems, gave a demonstration of both the AVC Edge DRE (direct recording electronic) touch screen voting machine and the Optech Insight precinct paper ballot counter. Mr. Bennett demonstrated how the AVC Edge is HAVA compliant and how the Insight has more functionality than the City's current precinct ballot counter. In his presentation he said that these systems are certified by the Federal government and the State of California. He also said that both the the Insight and the AVC Edge meet the 2002 Voting Systems Standards. Mr. Bennett explained that this Sequoia system is being developed for Ranked Choice Voting Certification for use in the November 2007 election.

Two representatives of Election Systems & Software, Lou Dedier and Steve Dennison, demonstrated their voting equipment and explained their plans for 2007.

8. NEW BUSINESS

- (a) **Discussion and possible action to approve the Elections Commission minutes for September 6, 2006 and the minutes for the Special Meeting held September 20, 2006.** Commissioner Meek MOVED and Commissioner Townsend SECONDED approval of the minutes from these two meetings. A Roll Call Vote was UNANIMOUS to accept the minutes.
- (b) **Report from the Budget and Oversight of Public Elections Committee and its recommendation regarding the Election Plan for the November 7, 2006 Consolidated Election. (Commissioner Gleason)** The Budget & Oversight of Public Elections Committee met on September 26, 2006, reviewed the Election Plan as submitted, recommended some additions that are noted in the minutes from that meeting. The Director of Elections agreed to the additions, and the Director added further comments and improved wording. The Committee recommends the Election Plan to the full Commission for approval, and if Commissioners have no further additions, recommend approval. Commissioner Gleason noted that the Election Plan details the efforts the Department will undertake during pollworker training session to have pollworkers better understand issues of cultural diversity, language differences

and needs of people with disabilities. Commissioner Meek **SECONDED** approval of the plan. A Roll Call Vote was **UNANIMOUS**.

(c) **Report from the Budget and Oversight of Public Elections Committee and its recommendation regarding approval of a Waiver Allowing City Employees to Assist the Department of Elections with the November 7, 2006 Consolidated General Election. (Commissioner Gleason)** Chairperson Gerard Gleason reported that the Committee recommends that the waiver be forwarded to the Board of Supervisors by the Commission. He added that the addition of the technical support positions needed and their numbers, for this election the number will be 16, was an informative addition. Commissioner Gleason **MOVED** and Commissioner Townsend **SECONDED** approval that the Commission send a request for a Waiver Allowing City Employees to Assist the Department of Elections with the November 7, 2006 Consolidated General Election to the Board of Supervisors. A Roll Call Vote was **UNANIMOUS**.

(d) **Discussion and possible action regarding the U.S. Department of Justice memorandum dated September 12, 2006, pertaining to San Francisco's compliance with the Voting Rights Act. (Commissioner Matthews)** President Matthews asked that this item be carried over to the next meeting. It was agreed to hold this item over.

(e) **Discussion and possible action on legislation related to amendments to the Municipal Election Code. Supervisors Fiona Ma and Sean Elsbernd have proposed legislation.** Deputy City Attorney Ann O'Leary gave a brief synopsis of the proposed amendments and presented a draft of the changes, as they would affect the current Elections Code. Copies of which are attached to these minutes.

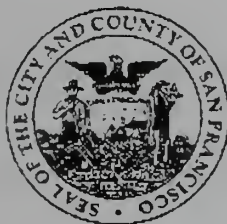
(f) **Discussion and possible action on Attendance Policy for the Commission.** President Matthews requested that this item be carried over to the next Commission meeting. It was agreed to hold this item over.

9. **Discussion regarding items for future agendas.** *Commissioner Townsend* suggested a discussion of how to handle a special meeting in which a principal Commissioner is not present, and in which that Commissioner's concerns should be made available to be shared with attendees. *Commissioner Mendelson* asked that a date certain be announced for the Annual Report.

10. **Public Comment.** *David Pilpel* suggested that members of the public interested in the functionality of the proposed new voting system may wish to review the Scope of Work in the original new voting system Request for Proposals (RFP). *Roger Donaldson, Steven Hill and Brett Turner* cautioned against rushing to judgment in choosing future voting equipment.

ADJOURNMENT was at 9:40 pm

ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
 Jennifer Meek, Vice President
 Gerard Gleason
 Victor Hwang
 Michael Mendelson
 Arnold Townsend

John Arntz
 Director of Elections

Shirley Rodriques
 Commission Secretary

Elections Commission Meeting
Wednesday, October 18, 2006 at 7:00 pm
City Hall Room 408

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ORDER OF BUSINESS

10-13-06P12:16 RCVD

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Director's Report**
 - Update on re-certification of voting equipment for RCV
 - Update on preparation for November 7, 2006 Election
6. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
7. **OLD BUSINESS**
 - (a) **Discussion and possible action regarding the U.S. Department of Justice memorandum dated September 12, 2006, pertaining to San Francisco's compliance with the Voting Rights Act.** (Commissioner Matthews)

- (b) **Discussion and Possible Action on Attendance Policy for the Commission.** (Commission Secretary Rodriques)
- (c) **Update on requirement for the expenditure of HAVA funds.**
(Deputy City Attorney Ann O'Leary)

8. **NEW BUSINESS**

- (a) **Discussion and possible action to approve the Elections Commission minutes for the meeting of October 4, 2006.**
- (b) **Discussion and possible action concerning oversight of Election Day operations.** Under the City Charter, the Elections Commission is responsible for overseeing all public federal, state, district and municipal elections in the City and County. The Commission duties include approving a written election plan prior to each election, and assessing the effectiveness of the plan after the election. (Charter section 13.103.5.) In connection with these duties, the Commissioners will discuss possible oversight activities concerning Election Day operations.
- (c) **Discussion and possible action to hold a public hearing at the Elections Commission Meeting of November 1, 2006 on the future of voting systems to be used in San Francisco.**

- 9. **Discussion regarding items for future agendas**
- 10. **Public comment** on any issue within the Elections Commission's general jurisdiction.
- 11. **Announcements**

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554-4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

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City and County of San Francisco
Elections Commission
Approved: November 15, 2006
Minutes of the Meeting at City Hall Room 421
October 18, 2006

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CALL TO ORDER. President Matthews called the meeting to order at 7:00 pm.

ROLL CALL. PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Jennifer Meek, Michael Mendelson and Deputy City Attorney Ann O'Leary, Deputy City Attorney Jon Givner, and Director of Elections John Arntz. Commissioner Victor Hwang arrived at 7:05 pm. EXCUSED: Commissioner Arnold Townsend.

Public Comment. David Pilpel complimented the Department for having sent out the VIPs and he said that he has already received his permanent absentee ballot.

Director's Report

Director Arntz reported that the Secretary of State's office (SoS) conducted a hearing and produced a staff report on the equipment testing that occurred in Omaha in August and again in San Francisco last month. The staff report recommends that the ES&S equipment be approved for November 2006, including the equipment for RCV (Ranked Choice Voting). Certification will happen next Tuesday after public comment on the testing. Unfortunately, the AutoMARK machines cannot be used for early voting until next Wednesday because they were part of the certification.

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Regarding preparations for this November's election: 125,000 permanent absentee ballots and 412,000 voter guides have been mailed. Pollworkers have been recruited, and now that division is concentrating on lining up stand-by pollworkers. RCV mailers have been mailed to the districts affected this election. Absentee Voters have already returned 5,500 ballots and approximately 300 people have voted at the early voting counter.

Negotiations regarding the Sequoia Voting Systems contract continue.

Commissioner Meek asked if the Director will post information about the certification of the electronic voting systems to the DoE website along with a link to the SoS website regarding the certification. The Commissioner said that the website make it clear what equipment is being used in San Francisco, since many people who attend the Commission meetings incorrectly think the City uses Diebolt equipment. Additionally, Commissioner Meek asked that the Election Plan be on the site. Director Arntz responded that the Election Plan has been on the website for two weeks and can be found under the memorandum section of the site.

Commissioner Gleason asked the Director if there have been any requests to use accessible voting equipment, and if so, how is this being handled. Director Arntz replied that he doesn't have any numbers, but that the procedure is to let those requestors know the equipment cannot be used until it passes certification, and to advise those voters of the earliest date we expect the equipment to be available. Director Arntz said that he had not received any complaints about the unavailability of this equipment.

5. **Commissioners' Report.** Commissioner Hwang reported that he attended a Mandarin Bi-Lingual Pollworker training, and did not identify himself as a Commissioner. He said it was an excellent training with many questions from those in attendance. The Commissioner said that everyone but himself and one attendee was a repeat pollworker. One complaint was that the lunch breaks on election day were not long enough for workers, especially the seniors, to go home and return to the site. People said they were very unfamiliar with the AutoMARK, and that people, with apparent disabilities, who came to vote in June didn't use it. Commissioner Hwang said that this training lasted one and a half hours and that approximately one hour was devoted to AutoMARK training – plus hands-on-experience with the machine after class. He said the pollworkers seemed to be excited with the AutoMARK and said they would encourage more voters to use it.

6. OLD BUSINESS

(a) **Discussion and possible action regarding the U.S. Department of Justice memorandum dated September 12, 2006, pertaining to San Francisco's compliance with the Voting Rights Act. (Commissioner Matthews)**

President Matthews asked the Director if he had any information regarding his response to the memo. Director Arntz said that he was very dissatisfied in June about the funding the Department received. He feared it was not enough money for staffing the work that had been done in previous years. He met with Mr. John Tanner, head of the Civil Rights Division of the DOJ at a meeting of registrars in San Diego, and expressed concerns that the Department would not be able to meet language assistance requirements in outreach and at the polling sites. Mr. Tanner assured the Director that he and his staff would look into the situation. The letter is a result of that meeting. Director Arntz has shared the letter with people in decision making positions regarding the Department's budget. Supervisor Sandoval's office has said he will help to see that the DoE has full time outreach positions, Supervisor Ma's office has said they will help with the pollworker division positions. The Director asked the Commission to help by speaking with Supervisors Sandoval and Ma's office as well as others to show support for the Department's need to fund these positions.

Commissioner Gleason added that the Budget and Oversight of Public Elections Committee had discussed the letter in their last meeting. He said he felt that input from all the Commission is important for this issue. The Department works very hard to get bi-lingual pollworkers for its 550 precincts (he noted that at the precinct at which he worked last election there was only a 17% turnout), but this would be less of a hardship if the number of precincts was cut to 350. With fewer polling sites, the Department could staff them with 100% bi-lingual workers. With 125,000 absentee ballot requests, there is less need for precincts and these precincts only have a 20% turn out. Commission Gleason said these issues need to be discussed.

Commissioner Meek MOVED to make a recommendation to the Mayor's Office and the Board of Supervisors to address this issue and to make known the Commission's support for the Director's letter in response to the DOJ memo. Commissioner Hwang SECONDED.

Public Comment. David Pilpel said that the memo to Noelle Simmons clearly shows that the DoE needs permanent staff and that he is in favor of sending the support memo.

Commissioner Hwang said that he has received a communication from the Chinese for Affirmative Action group, which is referenced in the letter, in which Christina Wong mentions a series of conference calls with the DOJ. They also indicated that they feel there are 108 precincts which are problematic.

Commissioner Gleason said that he would support asking the Board to give funds to keep the DOJ satisfied with the requirements under which the Department will operate, but he said it does not answer the larger issue of how to run the polling locations better.

MOTION: That the Commission will send a letter to the Board of Supervisors and to the Mayor's Budget Office regarding increasing funding to an appropriate level for bi-lingual pollworkers. A Roll Call Vote was UNANIMOUS.

- (b) **Discussion and Possible Action on Attendance Policy for the Commission.** (Commission Secretary Rodriques) Elections Commission Secretary Rodriques reported that she received communication from the Mayor's office dated September 18, 2006 asking Department Directors and Commission Secretaries to incorporate specific baseline standards for commissioner attendance in their policies and procedures. The memo asks that each member attend each regular and special meeting of their Commission and that the Secretary maintain a record of attendance. Further, that non-notified absences and any instance of three consecutive absences be communicated to the member's appointing authority. Finally, that at the end of each fiscal year, the Secretary submit a written report to each appointing authority of membership attendance.

Deputy City Attorney O'Leary called the Commission's attention to the draft Attendance Policy she provided for this meeting, which further explains the origination of the policy and its purpose and requirements.

Commissioner Mendelson asked how reporting to the appointing authority would work and would poor attendance constitute cause for removal, because he said, technically a Commissioner is "insulated from your appointing authority."

Deputy City Attorney O'Leary replied that the insulation is in terms of influence regarding matters before the Commission. But the appointing authority has the right to reappoint a Commissioner or not and attendance can be taken into consideration.

Commissioner Hwang said that it was his understanding that the interpretation is for appointees of the Mayor only.

Deputy City Attorney O'Leary responded that there are two provisions. One is the Mayor's letter in September and the other is the Board of Supervisors resolution in August which includes the other appointees. Therefore, her interpretation is that each appointing authority will get a report of their appointee's attendance.

Commissioner Meek said that she would like to see this requirement included in the Elections Commission By Laws. President Matthews said that this would be done, but proper notice would need to be made before that discussion could occur.

Deputy City Attorney O'Leary reminded the Commission that the request is to pass a policy and that this is requested to be submitted to the Board by December 1, 2006, and that an amendment to the By Laws can happen later.

MOTION: It shall be the Elections Commission Policy that a members' absence shall constitute a notified absence where the member, in advance of the meeting, informs the Secretary of the Commission or other person whom the Commission has designated, that the member will be absent. An absence due to unforeseen circumstances such as illness or emergency shall also qualify as a notified absence where the member reports such absence to the Secretary as soon as reasonably possible. The Secretary shall record as non-notified all absences involving neither advance notice or unforeseen circumstances. The policy would also include that information listed under "Purpose", "Attendance Requirements", "Report to the Appointing Authority" and "Annual Attendance Report" in the Deputy City Attorney's draft.

Commissioner Mendelson MOVED and Commissioner Gleason SECONDED this item.

Public Comment. *David Pilpel* said that he was not sure if "all special meetings" should be handled in the same manner as a regular meeting because some members might not be able to attend and shouldn't be held to the same standard. In addition, he said, the policy does not address Committee meetings, and probably should, because attendance is important at those meetings. Mr. Pilpel suggested striking the words "fiscal year" for three consecutive years because missing three meetings in a row can occur between two years.

President Matthews and Deputy City Attorney O'Leary gave a few small edits that were also noted by the Secretary.

Deputy City Attorney O'Leary asked Commissioners to provide her with any corrections/changes to the draft within the next week and she will incorporate them into a final draft for Commission consideration at the next meeting.

This item was TABLED to the CALL of the CHAIR.

(c) **Update on requirement for the expenditure of HAVA funds.**
(Deputy City Attorney Ann O'Leary)

The Deputy City Attorney recalled that at the Commission's previous meeting, a member of the public, Roger Donaldson, asked about the Commission's interpretation of Section 301 regarding whether Help America Vote (HAVA) funds needed to be expended by the end of this calendar year. The Commission requested that the City Attorney's Office check into this. Ms. O'Leary reported that she contacted the SoS who was in contact with the Federal Elections Assistance Commission. The SoS has long interpreted that the Counties must expend their funds by the end of 2006. There has been disagreement on the Federal level, including by congressional staffers who drafted this section, regarding use of the funds by the end of the year or whether it is only for funds provided after January 1, 2007. The Federal Elections Assistance Commission is planning on placing

information on its website, but has made it available to our Commission in advance. They plan to interpret Section 301(a)(3)(C) of HAVA to be that the funds provided by the federal government after January 1, 2007 can only be spent for fully assessable voting systems. Therefore the \$5.4M for which San Francisco is already eligible (because the state has allocated it) can be spent after January 1, 2007 on a full range of voting systems so long as the Department and the City are in compliance of the other provisions of HAVA (which we are).

Ms. O'Leary added that this provision does not change the advice she gave last week regarding the RFP process. The DoE is still under obligation to continue negotiation under that process and it has to be continuous and timely. She reminded the Commission that the HAVA funds are tied to the Department's RFP.

Public Comment. *David Pilpel* said that with the intent to have equipment ready for November 2007, it needs to be on hand by late spring-early summer, and that something must be at the Board in a month or two so the contract can be signed in time. *Jim Soper* said that his contacts in Los Angeles have told him that the County has "banked \$50M" in HAVA funds. He recommends that the City slow down on its purchases because more information is coming forward about "these machines"

Steven Hill thanked Roger Donaldson for bring the matter of spending deadlines for the HAVA funds to the Commission's attention. *Jennifer Hammond* also thanked Mr. Donaldson and the Commission for getting more information on the spending deadlines. She also said that the Department should wait and not purchase "an under par system with another under par system". *Roger Donaldson* said that he was pleased to see that the Commission and Department has more flexibility regarding the spending of the HAVA funds, and suggested that the City rethink its spending for equipment. *Brent Turner* said that he hoped the Commission was in touch with the FBI and the DOJ regarding what he referred to as "HAVA Gate", and that the Director and Deputy City Attorney not rush into a contract.

Derek Turner said that he was "struck" by the new information about spending deadlines and that this is now a "whole new ball game". He said that the opportunity to use the money for research and development was something he hoped the Commission would consider. *Jessica Cole* asked Deputy City Attorney O'Leary to clarify what she meant when she said the Department was obligated to go forward with the RFP process.

Deputy City Attorney O'Leary said that the requirement is when there is a current RFP process that is ongoing. The top bidder in that process is Sequoia. The Director is the contracting officer for the City under this contract. He is under duty to continue negotiations or to terminate them. The Director always has the ability to terminate the RFP process and begin a new RFP process. The process often takes a year or more. Therefore, it is unlikely that an RFP process can begin and be completed by November 2007. The Deputy City Attorney stated that her only legal advice is that under the current RFP process, in order for it to stay "alive", the Director must continue to negotiate or must decide to end negotiations and terminate the process.

7. NEW BUSINESS

- (a) **Discussion and possible action to approve the Elections Commission minutes for the meeting of October 4, 2006.** The Commission Secretary explained that the recording device failed at that meeting and she requested that persons making public comments provide to her 150 words or less regarding what they would like to see recorded as their input at that meeting. The Secretary received comments from Roger Donaldson and Chris Jerdonek only. Additionally, the Secretary asked for similar input from the presenters from ES&S and Sequoia. To date, she has not received the comments from ES&S.

David Pilpel offered a clarification of his public comment at the October 4, 2006 meeting. The Secretary agreed to make that addition to the minutes.

Approval of the minutes is CARRIED OVER to the next Commission meeting.

- (b) **Discussion and possible action concerning oversight of Election Day operations.**

-*Commissioner Gleason* will be a precinct inspector.

-*Commissioner Hwang* plans to visit precinct and observe bi-lingual activities. He will consult with the Director for possible site suggestions.

-*Commissioner Meek* wants to prepare a report of how the election ran and will go to the polls and interview workers and voters regarding their experience.

-*President Matthews* will visit a wide selection of precincts and observe. He will focus on those mentioned in the last complaint log for problems other than user errors.

-*Commissioner Mendelson* will continue working on his video project – four years of elections in San Francisco.

- (c) **Discussion and possible action to hold a public hearing at the Elections Commission Meeting of November 1, 2006 on the future of voting systems to be used in San Francisco.** Commissioner Meek presented the draft agenda for the proposed hearing. Discussion by Commissioners covered the potential problem of having this hearing so close to the election, whether the outcome of the hearing would be a presentation of the information obtained at the hearing and a recommendation from the Commission, as a result, to the Board of Supervisors and or to the Mayor's Budget Office.

It was mentioned that the Commission has already, over the past months, had much public input at its meetings regarding the future of voting systems to be used in San Francisco.

Deputy City Attorney O'Leary reminded the Commission that the current contract (with ES&S) will end, and the City needs to begin a new contract.

Director Arntz added that he did not mention in his report earlier at this meeting, that one of the conditions of certification that the SoS is imposing on the current system is that this is the last time they will review the Eagle for Ranked Choice Voting. This is the last election, as far as the SoS is concerned, that San Francisco will use the Eagle to run an RCV election.

Public Comment. *David Pilpel* said that the substance of the proposed hearing occurred at the last Commission meeting and to hold another hearing is a bad idea. *Jim Soper* said the hearing was a good idea and needs some professors in computer science to attend. *Brent Turner* said that discussion began eight months ago. *Roger Donaldson* said timing is not good and the hearing should happen after the election and should include speakers who can cover best practices and what's coming onto the market. *Jennifer Hammond* asked if there was an option to discontinue the RFP and not starting a new one if the City is already in compliance.

Deputy City Attorney O'Leary answered Ms. Hammond question. She said that the current contract expires next year. Therefore the City has to have a contract to have services for its elections. The answer is "yes" the City would have to start a new RFP process if it ends the current one, it cannot continually amend the current contract because it has been amended numerous times and the contract attorneys in the City Attorney's office believe that a new process needs to be started, that is to continue this one or start a new one.

Brent Turner said that he disagreed and that any number of addendums may be made to a contract.

President Matthews reminded the Commission that the public hearing was originally suggested by the Director of Elections. He asked Mr. Arntz if having the hearing in December would be helpful to him. The Director said that at this point, the hearing would be more for the Commission than for the Department because, to him, it is clear that the RFP continues or does not. He said he cannot wait, and that he has heard a lot of opinions from the public about the process from previous meetings. He said he is following the process that is in place.

Director Arntz said the reality is that the Department has to pick a product that exists, is capable of doing the job and meets the certification requirements of the state and federal governments. He said he has been listening to the concerns voiced by the public Commission meetings, and he understands where those concerns are concentrated. The Department of Elections can consider those concerns and do a very good job of showing people that the system is going to work, it's going to capture the vote, the vote will be tabulated correctly, and that the machines will be secure. One point important point is that San Francisco will remain a paper ballot county. We are not going to all touch screens or anything else, we have a hybrid system.

ACTION: This item was continued to the CALL OF THE CHAIR.

8. **Discussion regarding items for future agendas.** Commissioner Mendelson suggested that the annual report be submitted to the Commission by the President by November 15, 2006 and asked the President if this was an obtainable goal. President Matthews replied that it was.

Public Comment. *Jim Soper* invited attendees to visit his website "countedascast.com", particularly the security and testing pages. *Roger Donaldson* said that he had experienced failure of four out of five of the AutoMARKs when he worked as a FED in the last election. He explained that he tried the cards and they did not read. Mr. Donaldson suggested that those machines be tested in every

precinct. *Jennifer Hammond* said that she was concerned about the expense involved in maintaining and servicing the current voting equipment.

9. **Announcements.** Commissioner Mendelson asked that the recent passing of Freddie Fender, a musician, be noted in these minutes.

ADJOURNMENT at 8:41 pm



ELECTIONS COMMISSION
City and County of San Francisco

Richard P. Matthews, President
Jennifer Mock, Vice President
Gerard Gleason
Victor Hwang
Michael Mendelson
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting

Wednesday, November 1, 2006 at 7:00 pm

City Hall Room 421

is

CANCELLED

The next regular meeting is Wednesday, November 15, 2006

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ELECTIONS COMMISSION
City and County of San Francisco

Richard P. Matthews, President
Jennifer Meek, Vice President
Gerard Gleason
Victor Hwang
Michael Mendelson
Tajel Shah
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodriques
Commission Secretary

Elections Commission Meeting
Wednesday, November 15, 2006 at 7:00 pm
City Hall Room 408

ORDER OF BUSINESS

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11-09-06P12:14 RCVD

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
5. **Director's Report**
 - November 7, 2006 Election Report
 - Update on contract with Sequoia Voting Systems for new voting equipment
6. **Commissioners' Reports** of their activities and observations of election held November 7, 2006.
7. **NEW BUSINESS**
 - (a) **Discussion and possible action to approve the Elections Commission minutes for the meeting of October 18, 2006.**
 - (b) **Discussion and possible action to approve the Elections Commission Annual Report for 2005-2006.** Sec. 4.103 of the San Francisco Charter states that each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. (President Matthews)
8. **Discussion regarding items for future agendas**

9. **Public comment** on any issue within the Elections Commission's general jurisdiction.
10. **Announcements**

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 408, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CI.SF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

Materials contained in the Commission packets for meetings is available for inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, no later than 72 hours prior to meetings.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

City and County of San Francisco
Elections Commission
Approved: December 6, 2006
Minutes of the Meeting at City Hall Room 421
November 15, 2006

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CALL TO ORDER. President Matthews called the meeting to order at 7:10 pm.

ROLL CALL. PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Victor Hwang, Michael Mendelson and Deputy City Attorney Ann O'Leary, Deputy City Attorney Jon Givner, and Director of Elections John Arntz. EXCUSED: Commissioner Jennifer Meek.

Public Comment. *Luna Yasui*, of Chinese for Affirmative Action, gave a brief report of her group's observations during their poll monitoring. Ms. Yasui said that she will be forwarding the full report to the Commission. *Jade Lai* said that the training classes for pollworkers needed to be longer to provide better preparation for the trainees, *Roger Donaldson* said that he was opposed to the procurement of the voting system chosen by the Elections Director, *Brent Turner* passed out folders to the Commissioner that he said contained pertinent information about Sequoia Voting Systems' background, *Jim Soper* said that the Commission has more authority regarding the selection of the voting system than is known, *Jane Allen* reminded the Commission that it needs to approve the October 4, 2006 minutes and include the statement of the ES&S representative who stated, at that meeting, that his company could provide the necessary voting equipment for \$3M. *Chandra Friese* suggested that the new Secretary of State may make a difference in how voting machine systems and vendors are treated in California, *David Pilpel* reminded the Commission that it needs to approve the attendance policy proposed by the Board of Supervisors and he congratulated the Department for not having any serious problems during the election. *Chris Jerdonek* asked that the 1% random selection audit take place after all ballots are counted, and suggested that this be included in the next Election Plan.

President Matthews commented that usually during the Public Comments at meetings, the Commission listens and makes no response. He said that he wanted to clarify something that members of the public seem to have "some innocent misunderstanding" about and are continually asking be changed – the contract with Sequoia Voting Systems. Any June election will not have ranked-choice contests, therefore, there is no need for concern about the system being ready and certified for that election. The Department is not "rushing into a contract" with Sequoia. The selection of the winner of the RFP, which was published eighteen months ago and closed twelve months ago, has been made. President Matthews said that "if public contracting as a progressive good government idea is to mean anything, it means we have to follow the process. Public contracting rules might lead to outcomes that we don't necessarily love, but they do protect us from things like favoritism, nepotism, and the tyranny of some Mayor's cousin who happens to have some shop and can put some equipment together." He reminded the audience that there was a period after the winner of the RFP process was announced for anyone to contest that selection, and that was almost a year ago and no protest was made.

Commissioner Townsend agreed and said that it certainly doesn't appear that the Department has been rushing to implement a new voting system. He said the Department

went through the selection process in the manner dictated by the City and he reminded everyone that the Commission nor the Director controlled the process. The system was open and transparent.

4. Director's Report

Director Arntz reported that the November 7, 2006 election ran well but there were isolated incidents that were handled at the polling sites, and that voting continued without interruption throughout the day. All but three precincts were open at 7 am, and two of them had curbside voting at 7 am. The one that didn't was #3627 at 330 Clementina Street in District 6. The workers were locked out for an hour and a half and voting began as soon as the workers were finally able to set up at 7:30 am.

For this election there were 744 Chinese and 207 Spanish bilingual pollworkers. The voter guides in these languages, however, were not delivered to the sites, but in the future there will be a checklist to make sure this doesn't reoccur.

Ninety-nine percent of the election results were reported at 10:30 pm on election night. Seven precincts' memory packs did not retain the data, and the ballots had to be re-read.

Most VIPs (Voter Information Pamphlets) were in the mail by October 10, and the few thousand remaining were sent on October 12. The 132,000 permanent absentee ballots were in the mail by October 10. There remains approximately 36,000 absentee and 8,000 provisional ballots to be counted. Because there was a five-card ballot for this election, the canvassing process will take longer than in the past.

The one-percent manual tally drawing will be next week, hopefully, or the following week, but the date will be announced on the website.

There were 185 calls into the election center on election day regarding assistance needed for the Eagle optical scanners. This is 33 percent of all the machines at the precincts. There were 50 calls regarding the AutoMARKS (or 9%) that required assistance from the Department. This was the first time that the Department has taken over the Logic and Accuracy testing of the voting machines from ES&S. There was concern over the vendor having too much control over the voting process. Another reason was to reduce costs. The vendor had two people assigned to the logic and accuracy process to answer questions and make certain that the equipment was ready for the election. The machines used on election day passed the testing.

The Director reported that the number of calls to the election center have increased from the numbers in previous elections. He said that the response from the vendor, in the past, had been that the pollworkers were not removing the stubs from the ballots before introducing the ballots to the machines, thus causing jams. During the pollworker training this time, this area was focused upon. The 185 calls on the Eagles was completely unexpected! This was a huge draw on the resources of the Department. Mr. Arntz said that 120 hours of maintenance work had been contracted. ES&S had 22 technicians in the field on election day – this is the same number as in previous RCV elections.

One of the IV-C tabulating machines (there are two of them) has been breaking down consistently, since the beginning of tabulations. It is the same machine that ES&S rebuilt during the June election because it broke down during that election. Therefore, the counting of ballots has been slower than usual because it is being accomplished with only

one IV-C. Finally, parts from a third IV-C had to be used to repair the Department's equipment.

Director Arntz said that the Department did the best it could to with the resources available to make sure that voting continued throughout election day, and to make sure the votes are being counted properly as we continue through the canvas.

Commissioner Mendelson said that these problems were "systemic with ES&S", that there is a failure to service and their representative, Mr. Lou Dedier, fails to show up at the Commission's meetings. He asked if the company has been in communication with the Director about these problems. Director Arntz responded in the negative. Director Arntz reminded the Commission that the City bought the Eagles in 2000, and in 1998 ES&S put out its next-generation of optical scan machines, the M-100. So when the Department bought the Eagles in 2000, there was already a newer piece of equipment on the market that the company had been providing counties and jurisdictions for two years. San Francisco is the last county in California to be using the Eagle. These, what the City currently uses, are very old machines. They were not the latest technology when the City bought them, they are just old and this is exemplified by the 25 to 30% of the equipment braking down on election day.

Commissioner Townsend asked the Director if he changed the maintenance procedure for ES&S from the June election. Mr. Arntz answered that he had not. He explained that the contract signed in the year 2000 called for, under ES&S's suggestion, preventive maintenance to take place every 12 months.

President Matthews congratulated the Department and the Director on the eleventh straight, successful election. He asked why the under-voted ballots were being kicked back at the polling places in spite of the Commission's request to have this problem, which occurred during the previous election, resolved. Director Arntz said that when the policy was set, the Department was in contract negotiations with Sequoia Voting Systems, and that contract demands that the next system has the capability to allow or suppress over-voted ballots. When it was decided last April to use ES&S for the November 2006 election, the Department asked ES&S if it could suppress over-votes on the Eagles and the IV-Cs. The company's answer was that it couldn't because it would require a change of firmware which would require an additional federal review which couldn't happen in time for the election.

The President advised the Director that the Commission has been provided copies of email complaints from voters and he asked that the Commission be provided with all responses to these complaints. Additionally, he requested a break down of the numbers accepted and rejected of the provisional ballots and the broad categories of reasons for rejection of the votes cast. Commissioner Matthews requested the complaint logs with the Director's analysis of concerns. The Director nodded in apparent assent.

Director Arntz' updated the contracting process and said the contract is expected to be completed this week and signed and forwarded to the Board of Supervisors. The process needs to be completed right away and moved forward because it has been going on for a long time. He said that, hopefully, by the next Commission meeting more details about the contract could be made public.

Public Comment. *Brent Turner* said that he has the "badge of honor" for being thrown out of the San Mateo County Logic and Accuracy Testing for using profanity (which he admits

was non-appropriate) because he noticed that the tests were fictitious. *Chris Jerdonek* asked if the public would be able to have input in the procedures for the RCV systems in the future. *Jim Soper* thanked the Department for the tour he received of the facilities at City Hall. *Roger Donaldson* said that, "for the record" he and many others have been opposed to the purchase of equipment from Sequoia for a long time. He said that there is a "termination for convenience" for government contracts, and that section 21.7 of Chapter 21 of the Administrative Code covers rejection and re-advertising for proposals prior to award in the City's best interest. Mr. Donaldson added that the 120 hours of maintenance work contracted for in the contract amounted to only 12 minutes per machine. *Carol Bella* reminded the Commission that the ES&S quoted price for the new scanners, which are 2007 compliant, was \$3.5M at the October 4, 2006 Commission Meeting. *David Pilpel* said that he knows that no system is perfect and that hopefully things get better over time and that the system the DoE is looking at is better than what was offered in 2000. He said it is the nature of things to improve.

5. **Commissioners' Reports of their activities and observations of election held November 7, 2006.** Commissioner Gleason and Commissioner Hwang presented their reports in writing and which are attached to these minutes. In addition to his written report, Commissioner Hwang reported that he encountered breakdowns during usage of the AutoMARKS at some of the sites he visited.

Commissioner Meek, who was absent from this meeting, will give her report at the next Commission meeting. President Matthews reported that the Commissioner observed several precincts on election day.

President Matthews reported that on the Sunday before election day he observed the early voting at City Hall, and that the DoE was working in full force. On election day he observed 18 precincts in 6 different supervisorial districts paying particular attention to those districts using RCV. He said that overall, the precincts were effective, efficient and working well. Twelve of the eighteen precincts had problems with the Eagle, including one with 3 ½ hours of downtime for its Eagle. Half had AutoMARK problems including a couple that the Commissioner observed were not turned on or were on but not "booted up" correctly. He said that he experienced two voters who spent 45 minutes or more trying to use the AutoMARK but gave up and marked their ballots in the conventional manner instead. He noticed that three precincts lacked their disabled access postings. In addition to the precincts, the Commissioner visited the amazing work by the people at Pier 29 in preparation for the canvas. He also had high praise for the training done by the Pollworker Division. President Matthews reported that the incoming Commissioner (who has not yet been sworn), *Tajel Shah*, visited the activities at Pier 29 as well.

President Matthews said that the ultimate paper trail of votes in San Francisco is that our voters, themselves, are marking their ballots on paper and that this will probably always be the case. He invited the public to observe the 1% manual tally and said that he has observed the tally for several elections. The tally verifies the final vote count. The President reported that in those elections, which now over the course of his observations must total several hundred thousand votes, the machinery has not reported any error. He said that if in those many votes there was no mistake, this means that the hand-marking of ballots and having a separate device (a machine) tabulate those ballots is working correctly.

Commissioner Townsend reported that although his doctor advised him to rest,

he had to come down to City Hall in the late afternoon to observe the election day activities. He said that he feels that the most important thing that he can do on election day is to "stay out of the way" of the people who are doing the election. He said that he is impressed with the work the DoE does each election.

Commissioner Mendelson said that the Commission's job "is not looking over the shoulder of Director John Arntz and making comments that would probably be more appropriately made in his office". He said he would present his video report, which he has been compiling from the last three elections to the Commission at the end of this year, and added that will be a report of the last "five years of San Francisco elections".

Commissioner Gleason said that he understands Commissioners Townsend and Mendelson's concerns, but that it is important that the Commission knows as much as possible about elections. The one thing that the DoE was criticized for at this election was that the bilingual VIPs were not delivered, but because he has worked and observed elections, the Commissioner said that he "know(s) exactly what happened". The Commissioner said that anyone can come into a meeting and make any charge, but because of his experience working at the polls, he knows what happened. He said it is helpful when other Commissioners can add to that information.

6. NEW BUSINESS

- (a) **Discussion and possible action to approve the Elections Commission minutes for the meeting of October 18, 2006.** Commissioner Townsend MOVED and Commissioner Mendelson SECONDED approval of the minutes.

Public Comment. David Pilpel said that page 2, needed a spelling correction to "Noelle", and the following line should read "that the DoE needs permanent staff and he that he is in favor of sending a support memo", on page 6 the second to the last paragraph "Deputy City Attorney O'Leary" to be inserted.

A Roll Call Vote CARRIED to adopt the minutes with the corrections suggested.

- (b) **Discussion and possible action to approve the Elections Commission Annual Report for 2005-2006.** President Matthews asked that this item be carried over to the next Commission meeting because the members had just received the draft at the start of today's meeting.

Public Comment. *Commissioner Townsend* asked for a moment to vent. He said that he understood that the public is concerned about security and he was concerned about it too. But he wanted to remind people that the DoE has been using voting equipment and there has not been a "bad election", or votes stolen from anyone. It wasn't a voting machine in Florida that robbed people of their vote, it was corrupt people and racism. The Commissioner said that the biggest threat to democracy is not voting machines, it's still racism – people who tell African-American males that if they show up to vote there will be warrant checks, to Hispanic voters that they are going to be checked for green cards. He said it was not "some hacker stealing votes".

David Pilpel suggested that the past practice of the Annual Report covering a fiscal or calendar year be continued because the current report appears to be covering an 18

month period. Additionally, he suggested a summary of the "big issues" with which the Commission grappled, or the challenges it faced, and whether the Election Plans proved beneficial. *Jim Soper* commented on the statement by Commissioner Townsend about racism and voting, and said that there is movement to rectify this problem especially with the new Secretary of State. *Brent Turner* said that the scientific conclusions of all the reports he has presented to the Commission are valid. *Roger Donaldson* recounted his experience protecting the voting of minorities in Florida, and added that money should be spent to improve outreach.

ADJOURNMENT at 9:07 pm

ATTACHMENT: Commissioner Gerard Gleason's Election Day Observations

To: Election Commissioners
To: John Amtz, Director of Elections cc: Linda Tulett
To: Ann O'Leary, Deputy City Attorney
From: Commissioner Gerard Gleason
Subject: Observations of November 7, 2006 Consolidated General Election

This memorandum details my observations of the November 7, 2006 Consolidated General Election conducted by the Department of Elections. In order to save time, I will forego verbally reporting these observations in detail at the regularly scheduled meeting of the Elections Commission on November 15, 2006. Therefore, I ask that this memorandum be added to the minutes of that meeting. Thank you.

General Observations

Overall, once again, the Department of Elections did an excellent job in preparing for and conducting the election based on the portions of the operations I came into contact with. Pollworker Training continues to be a high quality program, well organized and conducted by excellent staff members. Precinct supplies and materials were generally well organized, however frustration with the functionality of supplies is discussed below. Ballot distribution has extremely clear paperwork trails. Cooperation from other city agencies such as the Sheriffs Department as well as Parking & Traffic is extremely helpful to the smooth operation of the election.

The Department's operations appear to be consistently improving upon previous successes and adopting those procedures as best practices. The Department is also adding new innovative approaches to training pollworkers and communicating with voters. The Department's continued focus on delivering customer service is noticeable.

Compared to elections I have observed at the precinct level for the past several years, this election appeared to be the busiest I have witnessed, including the October 2003 Recall and November 2004 Presidential elections. The Department made the excellent call of adjusting and increasing the number of pollworker staff needed when it was determined that turnout could be expected to increase. The length of the ballot and number of cards needed for this election created numerous challenges that the Department handled with superb organizational skill.

We need to continue to be aware of the fact that elections in general are under increased public scrutiny since November 2000. The Department of Elections and the Elections Commission should strive to meet this challenge.

Pollworker Training

I attended the Department's Pollworker Training class on Saturday November 1. The class was for Experienced Precinct Inspectors and was attended by approximately 25 people who have had previous experience as Election Day Precinct Inspectors. As has been the case in the past, the Experienced Inspector class went fairly smoothly. Because the attendees have attended similar training numerous times, the DOE staff conducting the training needed only a limited amount of time to refresh everyone on most basic procedures.

Most of the training program focused on new procedures and stressed the correct operation of precincts, interactions with voters and requirements that were found to be lacking during the June 6, 2006 Primary Election. Again, the DOE has shown that addressing and correcting any encountered past deficiencies is a priority.

Among noteworthy observations of the Pollworker Training class:

- The pollworker training class was conducted by Kelly Hines and Tony Hui who did a very thorough and professional job of conducting the class and explaining procedures. This is the second election in which I attended training conducted by Ms. Hines, who I understand is not a DOE staffer. Ms. Hines conducts the training by focusing on necessary requirements and appropriate reactions to scenarios. All of this is done with knowledgeable information about elections, respect and appreciation for the pollworkers, and with a delightful sense of humor. I found that Ms. Hines gave some of the most clear and concise explanations for specific precinct functions I have ever heard during the numerous trainings I have attended. Continuing to have excellent training staff such as Ms. Hines return each election should be a priority.
- DOE training staff emphasized the need for proper awareness and concerns for language needs and being sure that all inspectors at precincts requiring bilingual staffing know to have the necessary bilingual clerks on Election Day and to quickly let DOE know if bilingual staff is not available.
- DOE training staff covered issues relating to assisting voters with full access to voting, particularly in assisting persons with disabilities. Obviously DOE sought out and obtained input from individuals and/or organizations that are experienced with proper and respectful interactions with people who may need assistance. As with the effort DOE has undertaken in improving language related issues, DOE should be commended for the important work that has been done to improve access to voting for those who have had limited access in the past.
- DOE training staff emphasized the need to inform all voters about the availability of assisted voting (via the AutoMARK) and that this opportunity needs to be offered to every voter. The focus was placed on being sure that pollworkers know not to make assumptions about voters' needs or capabilities. DOE created a simple and concise statement that was noted on the "job card" for the precinct Ballot Issuing Clerk. *"We have a new assistive device—The AutoMark—which marks a paper ballot for voters who would otherwise need assistance. Please let me know if you prefer to use the AutoMark."* The statement, if correctly understood by pollworkers, covers the who, what and why of the reason precincts are equipped with the AutoMARK device. Whether all pollworkers clearly understand the statement is another matter. I believe DOE put forward best efforts on this issue and should continue to focus on this in future elections.
- There was again this election, some limited hands-on training with the new AutoMARK devices, however the AutoMARK used during my pollworker training class was plagued with numerous and varied malfunctions, including failure to boot, nonworking "touchscreen" functions and printer/paper ballot jams. The DOE training staff member was left to remark *"This is not supposed to happen."* While all of this was a great source of entertainment to some of the pollworkers witnessing the malfunctions, it also raised concerns among many about how the AutoMARK device would perform at the precincts on Election Day.
- The pollworker training class ended with a quick quiz on procedures and scenarios that can be encountered at the precincts. Some of the questions were quite tricky. This is an excellent way for DOE to gauge how well the pollworkers really understand key issues related to properly conducting precincts and voting.
- During the pollworker training, many of the experience inspectors made comments, asked questions and offered suggestions about the operations of the Department of Elections. Many of these comments have merit. I will cover some of these issues later below.

Precinct Ballot Pickup

After Pollworker Training class, I went to pick up the ballots I would need at my precinct on November 7. As always the ballot pickup station at 240 Van Ness was professional, organized and fast. I was able to pick up the ballots and supplies I needed within minutes and the process involved complete and accurate paperwork trails.

Election Day

I was the Polling Place Inspector at Precinct 2713 located in a residence garage in the inner Sunset District (Golden Gate Heights). Typically when I have been a pollworker, the location has been in a school or other large public area. It has been a number of years since I have been at a precinct located in a residence garage. Precincts located in residence garages present numerous challenges that I will address later.

In addition to myself, I was assigned four clerks to staff this precinct. I was assigned an experienced clerk who was also the bilingual pollworker required at the precinct. I was also assigned three student pollworkers.

I phoned the precinct location the day before November 7 and spoke to the homeowner who told me that DOE delivered the supplies and confirmed that she would be there to open at 6:00 A.M. on Election Day.

I called my assigned clerks on Sunday evening to confirm that they would be there at 6:00 A.M. on Tuesday. All four confirmed that they would be there.

On Election Day, all pollworkers were at the precinct by 6:00 A.M. All of the clerks were well trained, very helpful and extremely familiar with the election procedures.

Throughout the day we conducted voting with no exceptional occurrences. In the evening there were a large number of ballot jams with the Optec Eagle, which slowed down voting. We were able to clear the jams, however several of the jams required lifting the Eagle tabulation unit to remove the jammed ballot, which in my experience has been a rare occurrence prior to this.

Because of high turnout we had lines of voters waiting at various times of the day. Due to the length of the ballot and the number cards, most voters needed between 10 and 15 minutes at the voting booth to make their choices. Because there were only 6 voting booths and limited space in the garage to improvise other options, with many voters anxious to either get to work (in the morning or during lunch hour) or return home (in the evening), we did the best we could to accommodate voters.

AutoMARK

The ballot issuing clerk advised all voters of the availability of assisted voting via the AutoMARK voting device. As of the close of the polls that day, no voter at that precinct had expressed interest in actually using the AutoMARK device to vote. Several voters inquired if using the AutoMARK device would be faster than marking the manual Eagle ballot, as a option to waiting for an open voting booth when crowds were present. Our honest assessment was that waiting for an open booth and using the manual Eagle ballot was the quickest option.

Accessible Voting

Precinct 2713 appeared to be voter accessible. There was a slight lip at the garage entrance that required a voter who arrived in a wheelchair to back over it to enter. Space limitations in the garage did not allow for great room to maneuver. The new DOE provided "blue top" tables are much better suited for unassisted access for voters who use wheelchairs. The under access and height were much better than previously supplied tables and booths. The lower, accessible "suitcase" voting booth was not as well suited nor as comfortable for a voter who needed better access, so I moved the AutoMARK and made room for that voter at the new table. Upending the privacy screen used for the AutoMARK provided a functional voting booth.

Ranked Choice Voting

I was not at a precinct in an even numbered Supervisorial District that had an election this year. I did expect some confusion among voters with understanding the Ranked Choice Voting ballots for the city-wide offices of Public Defender and Assessor/Recorder which were uncontested but nevertheless had the single candidate's name for each

office listed three times. Surprisingly to me, very few voters had questions or stated they did not understand how the election worked. The few questions I did have were easily answered and understood by the voter. As San Francisco voters become more accustomed to Ranked Choice Voting, the various scenarios of ballot combinations and layout under Ranked Choice Voting will likely become even more familiar.

Supplies & Materials: Language Specific Voter Information Pamphlets (VIPs)

DOE is aware some precincts did not have copies of the Chinese and Spanish language SF VIPs. When I picked up my ballots and precinct supplies at 240 Van Ness I was given one copy of the English language SF VIP. In previous elections I was given the English, Chinese and Spanish language SF VIPs with the rest of the supplies at the 240 Van Ness pickup. I inquired about the language specific VIPs at the pickup and I was told they would be at the precinct in order to reduce weight at the ballot pick up. This seemed reasonable in that the language specific VIPs, if not containing a sample ballot, are likely produced with fewer ballot types and therefore not requiring the individual delivery along with the ballots.

At the precinct on Election Day, I found the State of California language specific VIPs but not the language specific SF VIP copies. I looked again for these copies of the VIP after voting started. I forgot to mention to the FED that these language specific VIPs were missing when he stopped by. From media accounts, I understand this issue was discovered by election observers and DOE was notified. A delivery of copies of the Chinese & Spanish language VIPs by DOE was made to the precinct later that day. These VIPs should have been verified by DOE supply staff as having been included. However, as precinct inspector, I was also at fault for not following up with the FED to see if he had copies.

Supplies & Materials: Other

Previously, in my experience, DOE provided sufficient and well-organized materials to operate a precinct. I would like to believe this is still the case, however it needs to be stated that operating a precinct in a garage has serious limitations that I had not encountered when running a precinct in a larger facility, which has numerous and readily accessible electrical outlets, reasonable lighting and adequate space to post all required signage. Below I will list some problems and suggested remedies, not to make a list of shortcomings by DOE in providing supplies, however I do admit that the lack of reasonable supplies to do the job was a source of frustration for me throughout the day. I can only appeal to the Director of Elections and his background as someone who can appreciate how having the proper tools makes the job easier and better.

- Lighting in many garage precincts is substandard. For years, I have carried with me to precincts on Election Day, my own halogen desk lamp, which is available retail for about \$12. Most years I have not needed it, however this year in the garage, it would have been impossible for many voters to read and sign the roster had I not brought it. Some voters commented how having the desk lamp was quite an improvement over their previous experience with not being able to see when signing the roster. I am glad to show DOE the desk lamp as a sample of what is needed in many garages. I am aware of and have used the lighting provided by DOE in precinct supplies, however the harsh lighting provided by the DOE supplied lamps creates an ambience more conducive to an interrogation by Dirty Harry than to a welcoming experience we should strive to convey.
- Electrical outlets in many garages are distant and few. This year DOE did provide a heavy-duty 3-prong extension cord, a marked improvement over past years when a small 2-prong extension cord, better suited for a string of Christmas lights, has been the only option. While I did try to use the 3-prong extension cord provided by DOE, I also brought my own identical style heavy-duty 3-prong cord—mine was 3 times as long and the length was needed to reach the only option for the Eagle machine location.
- I did secure the extension cords to the floor, which ran by and under the roster registration table, in the manner shown on page 7 of the Pollworker Training Manual. However the masking tape provided is quite useless for the task and is further useless in securing signage to bare wood, fog-dampened stucco and various other surfaces. The FED had a roll of duct-tape that did do the job for the extension cord. But the one roll of duct-tape supplied to the FED appeared to have been purchased at a Walgreen's rather than a reasonably substantial roll of tape from a Home Depot or such. It would have been nice if there had been enough duct-tape that the FED could have left a roll. Additionally, I would have killed to have had more pushpins other than the 6 provided.
- Space limitations aside, as noted about the ballot length and number of cards creating voter lines, it would have been nice to have had more than 6 voting booths. Many larger precinct facilities create improvised voting booths. I was able to utilize the cardboard screen for the AutoMark to create an improvised voting

booth option that was made available to voters in the evening when lines were long. Voters were made aware the improvised booth was only an option being offered and they could wait for one of the six voting booths. Many voters gladly and appreciatively took up the offer of the improvised booth. DOE could provide additional voting booth space without the expense of the current "suitcase" voting booths by designing tri-fold corrugated screens such as are currently used for the AutoMark. Any reasonable flat surface can then be an additional voting booth when needed. There are certain to be issues concerning an equal number of voting booths in all precincts, however it has been my experience that large turnout during general elections has generally lead to many precincts creating improvised voting booths or locations to accommodate those in line. Voters in a hurry to get to work, double parked—sometimes with infants and small children in carseats, voters seeing long precinct lines and questioning if it is worth the wait...these are situations DOE should realize exist because of the lack of voting booths in high-turnout elections. Currently these issues are dealt with in improvised ways and on various levels at individual precincts.

Again, these issues and situations are not presented to point out fault by DOE, but mostly due to the frustration of being asked to perform a task and then discovering the little things needed are lacking. I personally had forgotten about the difficulty of operating a precinct in a residential garage. Not every garage is a difficult situation, but enough exist that DOE should strive to provide additional support for those locations.

For years, many experienced precinct inspectors have told me of the supplies they personally provide and bring to their precinct on Election Day. From them, I have learned to bring my own equipment...desk lamp, 25 foot heavy-duty 3-prong extension cord, bungee cords, flashlight (to show voters the empty Eagle machine bins at the start of voting), calculator (to count signature totals and ballots), screwdriver, pliers, scissors...next time I will bring duct-tape and push pins. I have no problem supplying these items. However, I wonder about the precincts with pollworkers who do not or are not able to provide these items.

I am not advocating enormous expenditures here, and I realize caution should be exercised in situations such as risk of property damage that may be caused by the improper use of duct-tape. A well-supplied (and timely) FED could carry these items and make judgments as to when they are needed and used.

I will spare everyone the descriptive experience of using the DOE provided Port-a-Potty for pollworkers that was placed in front of the garage at a noticeable angle on a steep hill. I spent much of the day hoping to avoid using it. Most of the other pollworkers likely exercised other options.

Finally, I want to once again acknowledge the DOE staff that delivered the voting machines and other materials to precinct I was assigned to. They had pre-assembled the voting booths and set up the AutoMARK device before the election. This made the opening of the precinct smoother and I am extremely appreciative of the time DOE staff took to set up those items.

Sheriff & PCO Pickup

The pickup of voting material by the Deputy Sheriff and PCO after the close of the polls was well organized. In previous years the Deputy Sheriff came by and introduced himself a few hours before the polls closed. That did not happen this year. While I did not experience any delay in pickup this year, the pre-closing visit allowed to the deputy to size up which precincts were likely to have their operation closed and ready. That situation had its advantages. Regardless, the PCO and Deputy were timely and our precinct was cleared and staff left before 9:15 PM.

Field Election Deputy (FED)

The FED assigned to our area, was well trained. He stopped by right before the 7AM opening of the precinct and again later in the morning. He went through a checklist to see that materials were in place and that procedures were being followed. (Does the check list include the language specific VIPs?)

Unlike previous years, the FED did not come by frequently. On his second stop by in the morning I took custody of the additional ballots for the precinct. From a quick conversation with him, I gathered he found our precinct to be well run and he needed to focus his efforts on a couple of problematic locations.

Precinct Clerks

The precinct staff I worked with were well trained. The bilingual clerk assigned to the precinct was very knowledgeable about precinct operations and assisted several voters in their language. The student pollworkers were exceptionally

helpful, eager to take on tasks and pleasant to the voters. Many voters commented on how nice it was to have young people working at the polls. This was one of the first elections as a precinct inspector where I have not had to have constant hands-on over the operations. This crew really knew what they were doing and all numbers for the ballot statement at the end of the evening appeared to easily balance.

DOE Command Center

I did not need to communicate with the Command Center on Election Day. Nevertheless I am glad to know the DOE staff was ready to help out if needed and I was given clear instructions about contacting the Command Center and FED if needed.

Election Turnout at Precinct 2713

845 Active Voters on the Roster
293 Active Voters requested Absentee Ballots (34.7%)
293 Active Voters Signed the Roster and Voted on November 7 and
2 Inactive Voters on the Roster Signed the Roster and Voted on November 7 (34.8%)
7 Provisional Ballots issued
45 Absentee Ballots delivered to Precinct

Of the Provisional Ballot voters, most were due to voters being out of precinct and not opting to go to the precinct location where they are registered. Much of this occurred in the last half hour of voting. Two voters said they registered while at DMV many months ago, however their names still were not on the roster.

ELECTION OBSERVATIONS

Pollworkers

During my pollworker training class, a precinct inspector with 15 years experience stated that she was concerned that she was being assigned one adult clerk and three student clerks and questioned if staffing the precinct with a majority that were not registered voters constitutes a proper Precinct Board under California Elections Code. This is an interesting issue.

This election I was also assigned one adult clerk and three student clerks. In this situation, taking into account required break schedules; there are not two adult pollworkers who are registered voters present in the precinct for almost 40% of Election Day.

Under California Elections Code, student pollworkers assigned to a precinct, if they meet certain criteria, are in fact full appointed members of the Precinct Board. The only restriction seems to be that student pollworkers cannot participate in hand tabulation of ballots if that were to take place at the precinct.

While the student pollworker program has been a boon to precinct staffing, most elections officials seem to be focused on the functionality of operating an election but are forgetting the principles and concepts of the public conduct of elections. As we do not similarly assign minors to trial juries simply because they may be a ready source for jury pools, we should not forgo the requirement to staff precincts with registered voter-citizens when possible. This is the concept of the Precinct Board. The preferred shorthand among elections officials may be "pollworkers", but the duties, requirements and function are grounded in the fact that elections are conducted by and for the citizen public and that the election is conducted at the precincts by the Precinct Board.

Contradicting this viewpoint is the fact that I have been very pleased with almost every encounter I have had with the student pollworker program and I appreciate the skills and enthusiasm the students bring to Election Day staffing. I would choose student pollworkers as some of the best clerks I have worked with at the precincts.

To some this may not be an important issue but I would ask DOE to consider strictly following CEC 12302 (b), particularly subsection (4) that the students be "senior" which I understand to be 12th grade.

Pollworker Training

The Pollworker Training Program offered by DOE is high caliber and has consistently improved over the past few years. At three hours, the training sessions are about at the limit of reasonable expectation of time commitment.

However as elections become more complicated, especially with voting equipment changes, DOE should consider other means of providing updates and information to pollworkers.

This election DOE did send, in the mail, memos to pollworkers explaining that observers and media may be visiting polling places. The memos outlined rules and obligations for such activities. This was an excellent communication from DOE to pollworkers, something that I do not remember from any previous election. In past years this issue has lead to occasional confrontations and disputes. I congratulate DOE for straightforwardly and proactively educating pollworkers about this issue. This is an excellent example of how DOE can continually keep pollworkers informed and in contact with DOE.

About a year ago, DOE staff did produce a one-time newsletter for pollworkers to keep them updated on elections and DOE issues. This would be a very good outlet to keep in contact with pollworkers during intervals between elections and to provide information that cannot be fully covered during the brief pre-election training. I am sure similar communications are produced for other citizen programs such as the Neighborhood Emergency Response Team (NERT) for the Department of Emergency Services.

Likely DOE staff cutbacks are the reason such a newsletter program has not been continued. Therefore this is another excellent reason for the Commission to advocate for staffing upgrades for DOE.

Last but important, during pollworker training, the class was periodically interrupted by attendees going out to feed parking meters. The pollworker training information letters stress that those attending training class should take public transportation. However, precinct inspectors are expected to pick up 100 pounds of ballots and supplies after attending a three-hour class. The training class I attended was at the Community College building on Eddy Street. The closest off-street parking is Civic Center Garage with a rate of \$7.50 for 3-4 hours. Many, many of those in the inspector class commented on the paradox of needing a vehicle and having to pay for parking (or worse, risk a parking ticket) balanced against the minimal stipend for the training and pickup of supplies. Something should be done about this situation if we want these good and dedicated people to feel appreciated and return for more elections.

Election Material sent to Voters (Voter Information Pamphlet)

As we all know, there were issues with the mailing and timely arrival of the Voter Information Pamphlet (VIP) for the June 6, 2006 Consolidated Primary Election. DOE made special effort to mail the VIP on time this election. On October 5, DOE stated that VIPs were being mailed and that all VIPs would be delivered to the post office by October 10.

California Elections Code says that Sample Ballots cannot be mailed sooner than 40 days before an election (September 28 this year) and must be mailed no later than 10 days before an election (October 28 this year). DOE delivered the VIPs to the post office between 33 and 28 days before the election.

My wife and I received our VIPs in the mail on Friday, October 20 (18 days before the election). Neighbors in my multi-unit building received VIPs in the mail on various dates between Thursday, October 19 and Saturday October 21. In the six years I have been monitoring the postal delivery of the VIP, this delivery date is not substantially any sooner than previous elections. It was much better than the late arriving VIP for the past June election (received in my mail Friday, May 26, 10 days before that election). I believe this confirms, as pointed out by a fellow member of this Election Commission, that the late delivery of the VIP last June was an anomaly.

DOE delivered almost 420,000 copies of a 200 page VIP to the Postal Service. Obviously a publication of such concentrated local numbers, girth and mailing classification takes time to work its way through the postal delivery system. In the case of delivery of my copy of the VIP, the time frame was 10 days minimum. Further, the sheer size of the book creates space and weight limitations for the postal carrier who has to deliver all sorts of material other than the VIP, which is evident in that VIPs delivered to my multi-unit building arrived spread over several days...for a mailing that is carrier-route sorted no less.

If DOE continues the practice of mailing the VIP between 33 and 28 days before the election, this delivery time frame should be the expected result. Further, it should be noted that Absentee Ballots are first mailed 29 days before the election, however the slimmer, more streamline nature of the Absentee Ballots will likely always arrive before the VIP.

This is the nature of the beast. Any efforts to change local election code in hopes of speeding up the process will likely have little impact on improving the delivery dates of the VIP so long as it remains at its present size.

The only option for sooner delivery would be for DOE to mail the VIP as close to the 40-day threshold as possible. However, considering the size and complexity of the VIP production, such a rushed schedule could lead to errors and the costly corrective measures that could result from such errors. Contrary to recent incorrect media reports and references, DOE has not had a serious misprinted or misdelivered VIP production run in almost 10 years. Hopefully DOE can continue that track record by allowing staff the necessary time required to complete thorough and error-free production of the VIP.

DOE did post a copy of the VIP on the DOE's website 40 days before the election and made the internet version of the VIP known. DOE did an excellent job in staying on top of the concerns over this issue resulting from the experience of last election.

Lastly, as I stated in a communication to members of the Board of Supervisors Rules Committee on the issue of the VIP delivery back in August, I would once again caution DOE to not to place blame or fault with the US Postal Service for any perceived lateness with the arrival of VIPs to voters. A member of the public reported inquiring about the delivery of VIPs around October 20 and was told by DOE staff that DOE mailed the VIPs by October 5 and that the Postal Service was at fault, not DOE, for any delay. The Postal Service is a valued partner for delivery of elections material. DOE cannot simply deliver 400,000+ copies of such an individually massive publication as the VIP to the Postal Service dock and then assign blame. It takes a reasonable amount of time for delivery through the system. Hopefully reasonableness and understanding from DOE staff will lead to reasonableness and understanding from the public. If there are instances of copies of the VIP being delivered exceedingly late, those situations should be investigated. If possible, DOE should organize a random sampling of delivery feedback each election.

As far as the content of the VIP this election, the information conveyed, as well as the layout and appearance, was excellent. The VIP continues to be greatly improved each election. New and innovative graphics for such pages as "Locating Your Polling Place", "Marking the Ballot" and "Marking the Ranked-Choice Ballot", information pertaining to "Guidelines for Provisional Voting", and particularly (on page 61 in my copy of the VIP) detailed information on how to properly mark a ballot with a write-in candidate and how write-in votes are counted; all are terrific additions. Barbara Carr and the other production staff did an outstanding job with the VIP and ballots this election.

Voter Information Pamphlet: School District Bond Measures

A minor detail, but important, may be the need to determine the structure of information presented in the VIP for bond measures originating as elections called for by the San Francisco Unified School District or San Francisco Community College District. As DOE and the City Attorneys office knows these elections are consolidated with City & County of San Francisco elections. The reason I mention this is that Proposition 39, as well as AB 1908 (2000), was a source of much hand-wringing from the City Attorneys Office and College District legal staff during the November 2001 Municipal Election. In short, there seemed to be an issue of autonomy, the use of SF Municipal Elections Code functions such as the Ballot Simplification Committee (BSC) created digest (Impartial Analysis), Controller's Statement (Tax Rate Statement), paid arguments (which do not appear) and other possible material. November 2001 was also the year SF had the Municipal Utility District election, which was a similar autonomous election for the Local Agency Formation Commission (LAFCO) that was the reason the autonomy of elections by districts became an issue that year.

This is not to suggest anything was amiss in the most recent VIP over the school district bonds, rather, it appears that the Digest for Proposition A from the BSC correctly contained the notification about creating a "Citizen's Oversight Committee", required by Proposition 39 or AB 1908. A review of November 2001 and November 2005 VIPs with similar bond measures may not be as thorough with this information.

With a year until the next scheduled election, this may be a good time to review what information is required in the VIP for district bond measures.

Summary

Again, I would have to say from my observations of the portions of the operations I came into contact with, DOE did an excellent job preparing for and conducting this election. Outside of the missing copies of Chinese and Spanish language VIPs at some precincts, I did not encounter other

causes for concern. There were problems encountered with the performance of some of the vendor equipment, which again DOE is well aware of. There are areas that DOE can focus on that need improvement. However it must be noted that DOE goes to extraordinary lengths to correct any deficiencies in Election Day operations brought to their attention.

ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
 Jennifer Meek, Vice President
 Gerard Gleason
 Victor Hwang
 Michael Mendelson
 Tajel Shah
 Arnold Townsend

John Arntz
 Director of Elections

Shirley Rodriques
 Commission Secretary

Elections Commission Meeting
Wednesday, December 6, 2006 at 7:00 pm
City Hall Room 421

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ORDER OF BUSINESS

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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **FLAG SALUTE**
4. **Introduction of New Commissioner.** Commissioner Tajel Shah, appointee of City Treasurer Jose Cisneros, was designated on November 1, 2006, and sworn in on November 20, 2006.
5. **Public Comment** on any issue within the Elections Commission's general jurisdiction.
6. **Director's Report**
 - Update on contract with Sequoia Voting Systems for a new voting system
 - November 7, 2006 Election Follow Up Report
7. **Commissioners' Reports**
 - Meetings with public officials
 - Meetings with nongovernmental organizations
 - Oversight and Observation activities
 - Long-range planning for Commission activities and areas of study
8. **OLD BUSINESS**
 - (a) **Discussion and possible action to approve the Elections Commission minutes for the meeting of October 4, 2006.** There were technical difficulties with the recording equipment for this meeting and the approval of the minutes were delayed awaiting input from Mr. Lou Dedier regarding a

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statement he made regarding the monetary amount his company would need for providing new equipment to the DoE in the future. Decision will be made regarding whether to include this statement, if received in time for approval of the minutes at this meeting, or to approve the minutes as they stand without Mr. Dedier's statement.

- (b) **Commissioners' Reports of their activities and observations of election held November 7, 2006.** Commissioner Jennifer Meek will make her report.
- (c) **Discussion and possible action on Attendance Policy for the Commission.** The Mayor and the Board of Supervisors has urged all Commissions to adopt attendance policies.
- (d) **Discussion and possible action to approve the Elections Commission Annual Report for 2005-2006.** Sec. 4.103 of the San Francisco Charter states that each board and commission of the City and County shall be required by ordinance to prepare an annual report describing its activities, and shall file such report with the Mayor and the Clerk of the Board of Supervisors. (President Matthews)

9. **NEW BUSINESS**

- (a) **Discussion and possible action to approve the Elections Commission minutes for the meeting of November 15, 2006.**
- (b) **Discussion and possible action regarding emails sent to more than a majority of Commission members.** (Deputy City Attorney O'Leary)
- (c) **Discussion and possible action to assign the Budget and Oversight of Public Elections Committee to review the Election Plan for the November 7, 2006 Consolidated General Election and make a recommendation regarding the plan's effectiveness to the full Elections Commission.**
- (d) **Discussion and possible action to provide guidance to the Director of Elections on contracting for a new voting system.**

10. **Discussion regarding items for future agendas**

11. **Public comment on any issue within the Elections Commission's general jurisdiction.**

12. **Announcements**

ADJOURNMENT

Disability Access

The Elections Commission meeting will be held in Room 421, City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA. The Commission meeting room is wheelchair accessible. The closest accessible BART station is the Civic Center Station at United Nations Plaza and Market Street. Accessible MUNI lines serving this location are: #42 Downtown Loop, and #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro Stations at Van Ness and Market and at Civic Center. For information about MUNI accessible services call (415) 923-6142. There is accessible curbside parking adjacent to City Hall on Grove Street and Van Ness Avenue and in the vicinity of the Veterans Building at 401 Van Ness Avenue adjacent to Davies Hall and the War Memorial Complex.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact The Elections Office at (415) 554- 4375 or our TDD at (415) 554-4386 to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call our accessibility hotline at (415) 554-6060.

Know your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE, DONNA HALL, CLERK, CITY HALL, ROOM 409, 1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4683 AT PHONE NO.: (415) 554-7724; FAX NO.: (415) 554-7854; E-MAIL: DONNA_HALL@CI.SF.CA.US. Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.ci.sf.ca.us.

Materials contained in the Commission packets for meetings is available for inspection at the Elections Department, City Hall Room 48, in the Commission's Public Binder, no later than 72 hours prior to meetings.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300, fax (415) 581-2317; web site at www.sfgov.org/ethics.

City and County of San Francisco
Elections Commission
Approved: January 17, 2007
Minutes of the Meeting at City Hall Room 421
December 6, 2006

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1. **CALL TO ORDER.** President Matthews called the meeting to order at 7:00 pm.
2. **ROLL CALL.** PRESENT: Commissioners Gerard Gleason, Richard P. Matthews, Arnold Townsend, Victor Hwang, Michael Mendelson, Commissioner Jennifer Meek and Deputy City Attorney Ann O'Leary, and Director of Elections John Arntz.
3. **Introduction of new Commissioner, Tajel Shah, appointee of City Treasurer Jose Cisneros.** President Matthews welcomed Commissioner Tajel Shah who said she was impressed by the Department and the Commission's work and was looking forward to help assure that the City has accessible elections for its citizens.

4. **Director's Report**

Director Arntz reported that negotiations for the contract with Sequoia Voting Systems have been completed and the contract will be forwarded to the Board of Supervisors for their review. Director Arntz reviewed some of the items in the contract: It's a four-year contract, worth \$12.6M, running from January 1, 2007 until January 1, 2011, \$8.8M is for voting equipment, \$3.8M is for services, \$5.4M in grant funding is available to the City from HAVA and State Proposition 41, there's a \$100,000 financial incentive in the contract with Sequoia to submit a completed and successful application for federal review and certification by May 1, 2007. There will be liquidated damages if Sequoia does not submit this federal application by July 15, 2007 and there will be liquidated damages if Sequoia does not submit an application to the state for state certification after five days upon receipt of the federal certification. There will be liquidated damages if Sequoia fails to achieve certification for the voting system for the November 2007 election. There will be liquidated damages if Sequoia does not complete acceptance testing within ten days of final delivery of equipment – not later than August 10, 2007. There will be liquidated damages if the Logic and Accuracy Testing is not done ten days before the election. In addition, there will be liquidated damages if the voting equipment experiences ten percent or more failure on election day. There will be a \$175,000 penalty if there is a ten percent failure rate of the machines and Sequoia cannot get the touch screens running within one hour, and the optical scan machines running within four hours. There will be liquidated damages of \$150,000 if Sequoia cannot provide election results by 11:59 pm on election night, and if there are no results by noon on the following day - \$200,000, and by the third day the amount will be \$400,000. There is no limit on the liability for indemnification to the City in the contract and there is no limit on the liability in connection with any violation of the City's charter or ordinances.

If Sequoia Systems is not certified for Ranked Choice Voting (RCV) by November 2007, Sequoia must provide an alternative method to assure that the RCV ballots are counted. If this means there will be a hand count, Sequoia will have to bare the expense. Because the contract exceeds \$10 million, the Board must approve it by resolution.

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Once the contract resolution is received by the Board of Supervisors, it is passed to the Board's budget analyst, who writes a report that is sent to Board's Budget and Finance Committee. Then there will be two readings at the Board of Supervisors before the contract resolution is ratified and executed by the City and then it will be valid for Sequoia to begin working per the contract.

The November 7, 2006 election was certified today. There is a draft State of Vote on the DoE website, and a more formatted SOV will be posted within two weeks.

The Board of Supervisors has passed legislation to amend election ordinances (these amendments are shown as attachments to these minutes).

President Matthews asked if there was any indication regarding Sequoia's progress in developing their RCV technology. *Director Arntz* replied that the company had a model before past June's election and that the company is working with San Francisco and Alameda counties to use the same RCV program by November 2007.

Public Comment. *Sacha Ielmorini* said she opposed the contract because Sequoia Systems was not yet RCV certified, that the City should continue using the machines it used for the last election and that the DoE should put the money instead into training poll workers. *Commissioner Meek* reminded the audience that the equipment used in last November's election is no longer certified for use. *Jennifer Hammond* said that she was concerned with how the money is being spent and prefers that the City wait to buy better equipment that may be available in the future. *Brent Turner* reminded the Commission that he has provided information regarding voting machines in the past. *Robert Friese* said that he has been involved in a lawsuit in Alameda County that requires security vulnerability testing of voting equipment. *James Soper* said that testing could not check for "code hidden in the machine". *Carol Bella* said that the right to vote was being controlled by private companies. *Chandra Friese* said that Sequoia Systems had promised to have RCV capabilities in time for the November 2006 election and it still doesn't. *Ava Swartz's* comments accused the City of buying equipment that is out of date. *Chris Jerdonek* offered comment on the November 2006 election and offered handouts to the Commission. He suggested that over-votes be placed in the auxiliary bin at polling sites. *Roger Donaldson* said that it doesn't seem prudent to purchase new equipment at present. *David Pilpel* commented that, although he was in the minority at this meeting, he was pleased with the new contract and new equipment.

4. Commissioners' Reports

Commissioner Victor Hwang reported that he attended the Board of Supervisors' Budget and Finance Committee meeting. *President Richard P. Matthews* reported that he attended the drawing for the precincts for the one percent manual tally with seven other observers. He then observed the actual tally procedure at Brooks Hall.

5. OLD BUSINESS

(a) **Discussion and possible action to approve the Elections Commission minutes for the meeting of October 4, 2006.** *President Matthews* asked that this item be held over to the next meeting because there had been communication with Mr. Lou Dedier regarding his possible inclusion of comments in these minutes and Mr. Dedier's response to that request was not clear.

(b) **Commissioners' Reports of their activities and observations of election held November 7, 2006.** *Commissioner Jennifer Meek* reported that overall the election went

smoothly during her visits to polling sites in Districts 4, 5, 6, 8 and 10. The Commissioner spoke with pollworkers and voters, and observed that some of the sites were too small and that the manager of a Starbucks Coffee Shop, which was the site of one precinct, was a hindrance to the people who were trying to set up the polling site. The Commissioner said that she was upset to see so much "aggressive campaigning in districts 4 and 6", because the candidates for supervisor in those districts should have been well aware of the laws regarding how close banners, and other campaign promotion activities can be to polling places. The Commissioner's full report of her observations are attached to these minutes.

Commissioner Hwang said that he observed the polling site at 19th and Irving at a Starbucks. He said that in Starbucks, there was a different voting environment. The Commissioner said that some voters were voting at and discussing their vote at the tables over their coffee.

Commissioner Townsend said that the environment was no different from a voter who is voting absentee, because when a person is voting away from the polls. That voter may be discussing his or her ballot with a family member or friend. The Commissioner said that he thinks a voter has the right, and said that he had no problem with that.

President Matthews said the question was whether this was happening in a polling place. He concluded that, indeed, the Starbucks was a polling place, and that the state Elections Code prohibits communication with and among voters at polling places.

Commissioner Townsend said that citizens should be able to speak to one another in a polling place and not be afraid that the "voting cops" are watching them.

- (c) **Discussion and possible action on Attendance Policy for the Commission.** Deputy City Attorney Ann O'Leary gave a brief history of how this item originated and called the Commission's attention to the one change that was suggested when this item was first considered by the Commission. That change is to remove "in a fiscal year" under the section "Report to the Appointing Authority".

Commissioner Townsend MOVED, Commissioner Meek SECONDED approval of the Attendance Policy with the change in wording.

Public Comment. *David Pilpel* said he approved of the policy and suggested that a choice be made to use one of the titles for the Secretary of the Commission that is offered under the second paragraph of the policy under "Attendance Requirements".

The Roll Call Vote was UNANIMOUS to adopt the Attendance Policy as presented by the Deputy City Attorney.

- (d) **Discussion and possible action to approve the Elections Commission Annual Report for 2005-2006.** President Matthews MOVED that the draft Annual Report that was presented at the previous Commission meeting be approved. Commissioner Townsend SECONDED. Commissioner Gleason asked that the reference regarding the Ballot Simplification Committee's request for compensation be removed because the suggestion did not come from that committee, but was from Commissioner Gleason.

Public Comment. *David Pilpel* reminded the Commission to post the annual report to its website, and referred to his comments from the previous meeting that were documented in the minutes of that meeting. Mr. Pilpel said that he still questioned whether the Commission's report was to be for a fiscal or calendar year.

Deputy City Attorney Ann O'Leary clarified the question regarding when the annual report is required to be presented. She gave a brief history of past Elections Commission Annual Reports. Past reports have covered the tenure of past presidents, some of whom took office upon resignation of the previous president, some were based on fiscal year calendars, and one was for the calendar year. The Administrative Code requires that a set date be used, and that the Board of Supervisors and its Clerk be informed, in writing, when the Commission's Annual Report is due. Deputy City Attorney O'Leary suggested that the Commission's Bylaws be amended to include a set date when the Annual Report is due.

A Roll Call Vote: Gleason – Yes, Hwang – Yes, Meek – Yes, Townsend – Yes, Mendelson – No, Matthews – Yes, Shah – Yes. With a vote of 6 to 1, the Annual Report was ADOPTED.

6. NEW BUSINESS

- (a) **Discussion and possible action to approve the Elections Commission minutes for the meeting of November 15, 2006.** Commissioner Meek MOVED and Commissioner Gleason SECONDED approval of the minutes. Commissioner Gleason offered a correction to his statement on page 5.

A Roll Call Vote was UNANIMOUS to accept the minutes with the additions suggested.

- (b) **Discussion and possible action regarding emails sent to more than a majority of Commission members.** Deputy City Attorney O'Leary reported that she recently advised the Commission regarding actions when a majority of the Commissioners receive communications from anyone. The Brown Act makes clear that writings when distributed to all or a majority of all members by anyone in connection with a matter for discussion at a public meeting or under consideration by the members should be disclosed in a public record. All such communications should be forwarded to the Secretary for retention in the public record file. Currently, the Commission does not have such a policy, however it is free to do so. The Sunshine Act requires that a file that is accessible to members of the public be maintained and these records could be contained in that file if the Commission chooses to make this a policy. An additional concern is that when members receive a communication, particularly when it is a majority, but not all of the members, it is possible that an improper meeting is formed. This is a violation of the Sunshine Act.

The Deputy City Attorney advised the Commission to consider adopting a policy regarding what to do when a majority of its members receive communications. In addition, the Commission may want to make it clear to the public the ways to communicate to the Commission. Deputy City Attorney added that if the "TO" line of an email is addressed to four or more Commissioners, then it is a public record, but if a member of the public chooses to send an email to only two Commissioners, or to an individual Commissioner, then there is no violation, it is not part of the public record.

The President and Deputy City Attorney thanked and commended Mr. David Pilpel for providing his memo of ways members of the public can communicate with the Elections Commission.

Commissioner Townsend said that he was very disturbed by not receiving an email that went to a majority of the Commission members.

Public Comment. *David Pilpel* reminded the Commission that even if only two members receive an email, those two members could be on the same sitting committee, and therefore the communication would be part of the public record.

President Matthews suggested that the policy, when drafted, contain information regarding what Commissioners should do if/when they receive emails for the public.

Commissioner Townsend said that he did not mean that members of the public should change the way they communicate to Commissioners. It is the responsibility of the Commission members to do "the right thing with the communication".

Commissioner Hwang said that it will be his policy not to open any emails from parties he does not know unless that email is forwarded to him by the Commission Secretary.

- (c) **Discussion and possible action to assign the Budget and Oversight of Public Elections Committee to review the Election Plan for the November 7, 2006 Consolidated General Election and make a recommendation regarding the plan's effectiveness to the full Elections Commission.** Commissioner Meek MOVED and Commissioner Mendelson SECONDED this item for discussion.

Public Comment. David Pilpel suggested that for the duration of the Budget and Oversight of Public Elections Committee, that it be that committee's responsibility to review all Election Plans to make recommendations.

Commissioner Mendelson asked that the item be amended to include "that full and complete notice to the public as to the time and place of this hearing so as to cultivate public participation". Deputy City Attorney O'Leary and President Matthews agreed that the amendment is not necessary because all meetings are noticed for public participation.

A Roll Call Vote for the amendment: Gleason – yes, Hwang – yes, Meek – yes, Townsend – yes, Mendelson – yes, Shah – yes, Matthews – No. The amendment was ADOPTED.

A Roll Call Vote for the motion with the amendment was UNANIMOUS.

- (d) **Discussion and possible action to provide guidance to the Director of Elections on contracting for a new voting system.** *Commissioner Meek* presented her document (a copy of which is attached to these minutes), and explained she has read through most of the documents concerning the impact of voting systems on San Francisco's ability to conduct fair, free and functional elections.

Commissioner Gleason said that the Director has done a "phenomenal job of coming up with a contract that's got liquidated damages". However, the Commissioner said that he doesn't think it is the right time to buy equipment, although the current equipment is outdated. The Commissioner said that something must be done.

Commissioner Townsend said that he doesn't have a problem moving forward with Sequoia Voting Systems at this time and that he didn't believe it was correct to change the process.

President Matthews said that in his conversations with the Deputy City Attorney regarding ways to show support for the Director's contract to the Board of Supervisors, one way "of framing that" would be to give guidance to the Director, which the Commission is always privileged to do, and then publish that guidance to anyone the Commission wishes.

Deputy City Attorney O'Leary said that her advice is that it is the role of the Commission to provide advice to the Director of Elections, who is the primary negotiator for the City regarding elections. The Commission can tell the Board the advice it gives to the Director, if the Commission so chooses.

Commissioner Mendelson said that he would need to know the "factual basis upon which this (document) rests". He said that it was not appropriate to vote on this document because it was not authorized by the Commission.

Deputy City Attorney O'Leary recommended to the Commission that it can make a vote to provide guidance to the Director of Elections on whether or not the Commission has faith in the contract that the Director has outlined today, in terms of moving forward. Secondly, Commissioner Meek's report seems to have tried to capture what the public has said and what the Commission's responses have been. The Commission could decide, separately, to vote on these two items.

Commissioner Shah asked the Director what has been the Board of Supervisors' response regarding this contract. Direct Arntz said he couldn't gauge the Board's response because the contract has only recently been completed. He said that he has not heard any negative responses from the Board, and that there is still opportunity to inform the Board.

Commissioner Hwang said that he applauds Commissioner Meek's efforts, and that the document is a summary of the volume of data that the Commission has received and is providing that data to the Director.

Deputy City Attorney summarized the discussion by saying that the Commission has a document on which it may choose to act or not to act. Additionally, the Commission has an agenda item to provide guidance regarding the contract should it choose to do so.

President Matthews asked Commissioner Meek which motion she wished to forward. Commissioner Meek replied that she would not seek to forward a motion. President Matthews asked Commissioner Gleason if he had a motion to forward.

Commissioner Gleason asked that the Commission recommend to stand down, and that it is not a prudent time to go forward with the contract, unfortunately.

The MOTION was restated as: Standing down and not moving forward with the Sequoia Contract. This would be a motion to provide guidance to the Director of Elections based upon the uncertain outlook regarding HAVA, the new Secretary of State and other changed circumstances.

Commissioner Meek SECONDED the motion.

Public Comment. *Brent Turner* said he was in favor of a vote to stand down. *James Soper*, playing a tape recording from a speech by the Secretary of State, said he was in favor of a vote to stand down. *David Pilpel* urged the Commission to vote against the stand down.

Commissioner Gleason asked to WITHDRAW his MOTION because he said it was not intended to be a vote of no confidence in the Director and Department. Commissioner Meek withdrew her SECOND.

7. Discussion regarding items for future agendas

President Matthews suggested amending the Bylaws regarding the timing for Annual Reports and amending the Bylaws regarding adopting a policy regarding receiving communications from members of the public. Commissioner Gleason asked to consider the suggestions received from Chris Jerdonek regarding ballot markings, and having a report from the Department regarding how over and under-votes are handled, as well as other issues.

8. **Public Comment.** *James Soper* said that he has objected to the proposed voting machines for 1 1/2 years. *Jennifer Hammond* said she sees no difference between Elections Systems and Software and Sequoia Voting Systems and she thinks a way can be found to retain the system used in the last election. *Roger Donaldson* said that he has attended Elections Commission meetings and opposed the proposed equipment for fifteen months. *Chris Jerdonek* asked about the status of having Commission packets available to the public on line. *Brent Turner* said that more people are becoming interested in open source. *Chandra Friese* said that she agreed with the previous speakers.

ADJOURNMENT at 9:35 pm.

ELECTIONS COMMISSION
City and County of San Francisco



Richard P. Matthews, President
Jennifer Meek, Vice President
Gerard Gleason
Victor Hwang
Michael Mendelson
Tajel Shah
Arnold Townsend

John Arntz
Director of Elections

Shirley Rodrigues
Commission Secretary

NOTICE OF MEETING CANCELLATION

The scheduled Regular Meeting of the
San Francisco Elections Commission
for Wednesday, December 20, 2006
is CANCELLED.

DOCUMENTS DEPT.

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The next scheduled meeting is
Wednesday, January 3, 2007
City Hall, Room 421, at 7:00 PM

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cancelled

